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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
17

18 OMAR RODRIGUEZ; CINDY GUILLEN-
19 GOMEZ; STEVEN KARAGIOSIAN;
20 ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

21 Plaintiffs,

22 vs.

23 BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
24 100, INCLUSIVE,

25 Defendant.
26
27
28

CASE NO. BC 414602

**[PROPOSED] ORDER RE:
DEFENDANT'S EVIDENTIARY
OBJECTIONS TO PLAINTIFF'S
EVIDENCE IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT
AGAINST PLAINTIFF JAMAL CHILDS**

Date: March 18, 2010
Time: 9:00 a.m.
Dept.: 37

Trial Date: August 25, 2010
Action Filed: May 28, 2009

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

Defendant CITY OF BURBANK, including the Police Department of the City of Burbank submits the following Proposed Order on evidentiary objections to the evidence plaintiff Jamal Childs submitted in opposition to defendant's Motion for Summary Judgment.

Most of Childs's evidence is inadmissible because:

(1) It lacks foundation – noticeably missing (a) the date on which any conduct occurred which is required to show it is not time barred, (b) who engaged in any offensive conduct and the location whether at work or otherwise (c) any evidence that Childs witnessed or heard of the conduct, and (d) any showing that it was reported to management.

(2) It proffers irrelevant assertions of offensive conduct and gossip that Childs neither witnessed nor was told about. (Evid. Code §§ 210, 350-351, 702.) Rumor and innuendo is not a substitute for proof of harassment. (*Beyda v. City of Los Angeles* (1998) 65 Cal.App.4th 511, 518-522.)

(3) It proffers irrelevant assertions of offensive conduct, rumors, and gossip that occurred outside the statute of limitations, (Evid. Code §§ 210, 350-351), and no evidence of conduct within the statute of limitations – from March 27, 2008 forward. Undisputed Facts 44-45 establish no offensive conduct occurred within the limitations period...

(4) It proffers irrelevant "statistical evidence" of hiring and promotions in other cities, having no relevance to Childs's claims, and offering no foundational information about the pool from which hiring and promotional decisions were made. (Evid. Code §§ 210, 350-351, 403.)

(5) It proffers declaration testimony from Childs that contradicts his deposition; Childs admitted in deposition that he was assigned to the Juvenile Detective Bureau as an SRO on August 21, 2008, and that he believed it would improve his ability to be promoted (Childs depo. p. 14:12-20), but his declaration contradicts his prior testimony and asserts that "I have no real hope of advancement" and "I am not certain that I will ever be seriously considered for promotion." (Childs decl. ¶¶ 18, 20.) *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars

1 Childs's contradictory declaration claims, holding that an affidavit contradicting a sworn
2 admission or concession made during discovery raises no substantial evidence of a triable issue of
3 fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty*
4 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 ["Where a party's self-serving declarations
5 contradict credible discovery admissions and purport to impeach that party's own prior sworn
6 testimony, they should be disregarded"]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp.
7 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary
8 judgment].)

9 (6) It proffers improper "opinion" evidence by offering opinions of individuals
10 without laying a foundation as to the individual's special knowledge, skill, experience, training,
11 and education or a statement of the basis of the opinion. (Evid. Code §§ 403, 800, et seq.)

12 (7) It blatantly misstates "facts" – asserting deposition testimony provides "facts"
13 that are not included in the testimony and thus lack foundation and are irrelevant. (Evid. Code §§
14 403, 210, 350-351)

15 (8) Plaintiff's "evidence" is largely quotations from plaintiff's counsel and
16 deponents responding to leading questions in depositions, and consists of fragmentary statements
17 containing conclusory quotations that contain no foundational information – the deposition
18 testimony uniformly lacks any information as to who made any offensive comments, when, where,
19 and in what context (at work or outside of work) any such events occurred, and any information as
20 to the basis for the improper and conclusory opinions of "discrimination," "harassment,"
21 "retaliation," "inappropriate" "race-based" comments. As such, plaintiff's evidence lacks any of
22 the required foundation for admissibility and to show relevance. (Evid. Code §§ 210, 350-351,
23 403.)
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25
26 Moreover, plaintiff's evidence attached to the Declaration of Solomon E. Gresen violates
27 the California Rules of Court. The deposition testimony plaintiff proffers fails to comply with the
28 California Rules of Court requirement that where deposition testimony is offered as an exhibit to

1 motion papers, “[t]he relevant portion of any testimony in the deposition must be marked in a
2 manner that calls attention to the testimony.” (Cal. Rules of Ct., Rule 3.1116, subd. (c).) Plaintiff
3 also failed to provide a table of contents for the evidence, violating Rule 3.1350(g).

4 **OBJECTIONS TO DECLARATION OF JAMAL CHILDS**

5 **Objection No. 1**

6 “Although I had hoped this would be a great opportunity, from the beginning, it was
7 apparent that my race was a significant factor in my relationship with many of my peers and with
8 the management.” (Childs decl., p. 2:1-3, ¶ 4.)

9 **Grounds for Objection: No. 1:** This testimony lacks foundation (Evid. Code § 403), is
10 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
11 § 702), improper opinion (Evid. Code § 800), and vague. Further, the testimony contradicts
12 Childs’ prior sworn deposition testimony in violation of law.

13 **Court’s Ruling on Objection 1:** **Sustained** _____
14 **Overruled** _____

15 **Objection No. 2**

16 “The First hint came at the station when Sgt. Ryburn expressed shock that my wife is
17 white. I noticed it. At later social events, my wife noticed it. From then on, I rarely attended
18 social events with my wife. I only brought her to events where I was reasonably certain that we
19 would be welcomed, such as Officer Jimenez’s wedding.” (Child decl., p. 2:4-7, ¶ 5.)

20 **Grounds for Objection: No. 2:** This testimony fails to set forth when the alleged conduct
21 occurred, who, other than Sgt. Ryburn, engaged in the alleged conduct, or the context in which the
22 alleged conduct occurred and thus lacks foundation. (Evid. Code § 403). The testimony is also
23 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
24 § 702), vague, and inadmissible hearsay (Evid. Code § 1200). (See UF 31.)

25 **Court’s Ruling on Objection 2:** **Sustained** _____
26 **Overruled** _____

27 **Objection No. 3**

28 “Early on, I was told by several co-workers that there were racial problems within the

1 department. Officer of all racial and ethnic groups, including whites, told me that racial and ethnic
2 insults were common in the department. I was told that there was frequent use of the “n” word in
3 the department and that blacks are often the brunt of racial jokes. I personally heard officers refer
4 to Armenians as “towel heads”; and Hispanics as “wetbacks”. I was told that even the Chief used
5 them and has commented that he regretted that he was no longer able to freely use the “N” word in
6 the Department. (Childs decl., p. 2:8-14, ¶ 6.)

7 **Grounds for Objection: No. 3:** This testimony fails to set forth which “co-workers”
8 advised him of the alleged problems, when these alleged conversations occurred, when Childs
9 heard the alleged offensive comments, or the context in which the alleged comments occurred and
10 thus lacks foundation. (Evid. Code § 403). The testimony also lacks foundation, (Evid. Code §
11 403) and is irrelevant because these events did not occur within the limitations period. (UF 44-
12 45.) (Evid. Code §§ 210, 350-351). The testimony is also conclusory (Evid. Code § 702),
13 speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

14 **Court’s Ruling on Objection 3:** **Sustained** _____
15 **Overruled** _____

16 **Objection No. 4**

17 “Too many people were telling me these things to allow me to dismiss the comments as
18 untrue. Because no one had yet made the comments directly to me, I assumed they were being
19 said behind my back and that the officers were too shrewd to make such statements in my
20 presence. I was wrong.” (Childs decl., p. 2:15-18, ¶ 7.)

21 **Grounds for Objection: No. 4:** This testimony fails to identify who told Childs about the
22 alleged comments, when these alleged conversations occurred, or the context in which the alleged
23 comments occurred and thus lacks foundation (Evid. Code § 403). This testimony is also
24 irrelevant because these events did not occur within the limitations period. (UF 44-45.) (Evid.
25 Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
26 and inadmissible hearsay (Evid. Code § 1200).

27 **Court’s Ruling on Objection 4:** **Sustained** _____
28 **Overruled** _____

All testimony in Childs's declaration at paragraphs 8-11 including: "For example, a few years ago, I followed up on a complaint made by a older man who was swindled out of a lot of money by a young black man. I took the report and filed it. Later that day, I was in the locker room with Sgt. Calicchio. Both of us were relaxed and the conversation was casual. He asked me if the report I had taken was about anything serious. I related the elderly man's allegations. And Calicchio mockingly retorted, "Who in their right mind would give a fucking black guy \$30,000?" I was shocked and humiliated. I was shocked by what he said, but even more, I was shocked at how casually he made the statement. It was if he forgot that he was speaking with a black man, and when he realized what he had done, he looked embarrassed, turned and left the room."

(Childs decl., p. 2:19-26, ¶¶ 8-11.)

Grounds for Objection: No. 5: The testimony fails to identify when the conversation occurred and thus lacks foundation (Evid. Code § 403). The testimony is irrelevant because these events did not occur within the limitations period. (UF 44-45.) (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

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“But that was not end of it. At the next roll call, Sgt. Calicchio discussed the report at the meeting with all of my peers. He singled me out in front of everyone and said that I failed to review the report. I felt humiliated, and I got the underlying message that I was not to ever speak of his comment to others.” (Childs decl., p. 3:10-13, ¶ 12.)

Grounds for Objection: No. 6: The testimony lacks foundation, (Evid. Code § 403), is irrelevant because these events did not occur within the limitations period. (UF 44-45.) (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 6: **Sustained**

Overruled _____

Objection No. 7

“I felt even less comfortable about speaking up after I had attended a training session on discrimination and harassment and learned how other officers had behaved in the other sessions. Several of the officers openly mocked the instructor about the subject matter. Nothing was done. None of the behavior changed.” (Childs decl., p. 3:22-25, ¶ 15.)

Grounds for Objection: No. 7: This testimony fails to identify when the alleged training session occurred or the identity of the officers referred to in the testimony and thus lacks foundation (Evid. Code § 403). The testimony is also irrelevant because these events did not occur within the limitations period. (UF 44-45.) (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court’s Ruling on Objection 7: **Sustained** _____
Overruled _____

Objection No. 8

“I do not consider myself to be any kind of activist. I have a wife and I have a family. I do not want to do anything that threatens their financial security. I have chosen to be a police officer, and I have only been in the force for six years and I want a career. I am in no position to rock the boat.” (Childs decl., pp. 3-4:26-2, ¶ 16.)

Grounds for Objection: No. 8: The testimony lacks foundation, (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), and vague.

Court’s Ruling on Objection 8: **Sustained** _____
Overruled _____

Objection No. 9

“When an opportunity came for a transfer to the Juvenile Bureau where I would spend most of my time at the schools and away from the environment of the Department, I jumped at the

1 chance. Thankfully, I got the job. By working with the schools, I no longer have day to day
2 contact with the racist officers and supervisors.” (Childs decl., p. 4:3-6, ¶ 17.)

3 **Grounds for Objection: No. 9:** The testimony lacks foundation, (Evid. Code § 403), is
4 irrelevant because these events did not occur within the limitations period. (UF 44-45.) (Evid.
5 Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), and
6 vague.

7 **Court’s Ruling on Objection 9:** **Sustained** _____
8 **Overruled** _____

9 **Objection No. 10**

10 “On one hand, I am doing more investigative work and preventive work than I would be
11 doing if I were on patrol. However, more important to me, I am not certain that I will ever be
12 seriously considered for promotion.” (Childs decl., p. 4:7-9, ¶ 18.)

13 **Grounds for Objection: No. 10:** The testimony lacks foundation, (Evid. Code § 403), is
14 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
15 § 702), and vague. Further, the testimony contradicts Childs’ prior sworn deposition testimony
16 (Childs deposition, 14:12-20). *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22
17 bars Childs’s contradictory declaration claims, holding that an affidavit contradicting a sworn
18 admission or concession made during discovery raises no substantial evidence of a triable issue of
19 fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty*
20 *Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations
21 contradict credible discovery admissions and purport to impeach that party’s own prior sworn
22 testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp.
23 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary
24 judgment].)

25 **Court’s Ruling on Objection 10:** **Sustained** _____
26 **Overruled** _____

27 **Objection No. 11**

28 “It has been a bitter price to pay in order to gain the opportunity to work in an environment

that is not racist. It is wrong that I was forced to make that choice.” (Childs decl., p. 4:10-12, ¶ 19.)

Grounds for Objection: No. 11: The testimony lacks foundation, (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), and vague. Further, the testimony contradicts Childs’ prior sworn deposition testimony in violation of law. (Childs deposition, 14:12-20) *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Childs’s contradictory declaration claims, holding that an affidavit contradicting a sworn admission or concession made during discovery raises no substantial evidence of a triable issue of fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party’s self-serving declarations contradict credible discovery admissions and purport to impeach that party’s own prior sworn testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

Court’s Ruling on Objection 11:	Sustained _____
	Overruled _____

Objection No. 12

“The realization that my opportunities are more limited is depressing. I had to choose between racial harassment and holding a position that is essentially isolated from mainstream police work. It saddens me that I am uncomfortable in taking my family to Department functions for fear that they will be faced with the insulting comments that I have had to endure. It has interfered with my relationship with my wife and my children. I realize now that I have no real hope of advancement with the Burbank Police Department.” (Childs decl., p. 4:12-17, ¶ 20.)

Grounds for Objection: No. 12: The testimony lacks foundation, (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), and vague. Further, the testimony contradicts Childs’ prior sworn deposition testimony (Childs deposition, 14:12-20) in violation of law. *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 20-22 bars Childs’s contradictory declaration claims, holding that an affidavit

contradicting a sworn admission or concession made during discovery raises no substantial evidence of a triable issue of fact to defeat a summary judgment motion. (See also *Archdale v. American Internat. Specialty Lines Ins. Co.* (2007) 154 Cal.App.4th 449, 473 [“Where a party's self-serving declarations contradict credible discovery admissions and purport to impeach that party's own prior sworn testimony, they should be disregarded”]; *Collins v. Hertz Corp.* (2006) 144 Cal.App.4th 64, at pp. 75 fn. 5, 79 [a declaration contradicting deposition testimony is insufficient to defeat summary judgment].)

Court's Ruling on Objection 12:

Sustained _____
Overruled _____

OBJECTIONS TO EXHIBIT A – DEPOSITION TESTIMONY OF DANIEL ARNOLD

Objection No. 13

“And the civil issues that happened that were there just made it uncomfortable because of racial remarks, attitudes toward different races, constant barrage of racial humor, the lack of integrity in terms of how they reported my duties and training.” (Arnold Depo., 36:19-24)

Grounds for Objection: No. 13: The witness fails to identify who engaged in the alleged conduct, when the events occurred, or the context in which they occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 13:

Sustained _____
Overruled _____

Objection No. 14

“The word that I am uncomfortable with, but "nigger" seemed to be used there like just common conversation.” (Arnold Depo. 37:19-21,)

Grounds for Objection: No. 14: The witness fails to identify who engaged in the alleged conduct, when the events occurred, or the context in which they occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible

1 hearsay (Evid. Code § 1200).

2 **Court's Ruling on Objection 14:**

Sustained _____

Overruled _____

3
4 **Objection No. 15**

5 "Q. Did you ever hear anyone use it in roll call in front of Jamal?

6 A. I did. That's probably one of the worst recollections in my memory, and I don't think I will
7 ever forget it.

8 Q. Please tell me what happened

9 MS. SAVITT: Move to strike everything after "I did" as not responsive to the question.

10 THE WITNESS: I was sitting in training with Jamal Childs one day. It was just the two of us in
11 front, and I remember specifically at that time there was a black woman who was seen quite a bit
12 in the south end of Burbank near some high-rise buildings on Olive. She had been seen there for
13 several evenings and we were getting information about her in roll call, which is our briefings
14 about what happens, you know, in the city the days before or the day before we go on duty. And
15 from the back of the room, and I couldn't tell you who said it because you don't turn around in
16 those situations, when they were saying this woman had been seen, someone in the back of the
17 room said, "What's she doing up there, there ain't no fried chicken stores up there." And I -- my
18 mouth gaped up, and I kind of look over at Jamal. He's just sitting there extremely stoic, and I
19 thought to myself: If you're not taking notes about the crap that goes on around here, you are
20 doing yourself a severe disservice. I'm thinking to myself -- and there weren't that many black
21 officers there at the time. There was Vee Jones, there was Jamal. There was another officer, I
22 don't remember his name. And I am thinking to myself: How can you guys even stand coming to
23 work here.

19 MS. SAVITT: Move to strike as argumentative; not responsive to the question; editorializing;
20 opinion and conclusions.

21 THE WITNESS: So when I heard that, I was just -- I was really just offended, and I was really
22 offended for him. I really just -- it was appalling to me. It was that type of attitude that just went
23 on for so long, and I never knew the extent as a reserve. But three months into my training, three
24 months, I went down to Redondo Beach PD in my former department where my brother is a
25 detective, and I went in and I talked to the lieutenant there and I said, "Look, I can't stand working
26 at this place, you know. Can I lateral back over here? Please, can I come back?" And they
27 encouraged me to try and finish training so I could lateral. That's the only reason I stayed."
28 (Arnold Depo., 39:6-41:9)

26 **Grounds for Objection: No. 15:** The witness fails to identify who engaged in the alleged
27 conduct, when the events occurred, or the context in which they occurred and thus the testimony
28 lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-

351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 15:

Sustained _____
Overruled _____

Objection No. 16

"Q. Did you ever hear Mike Parrinello use any language which you believe to be racially insensitive?

MS. SAVITT: Same objections.

THE WITNESS: Yes, but not in the same context. It was more of a comment made with a certain type of inflection in his voice.

BY MR. GRESEN: Q. What was the comment?

MS. SAVITT: Calls for a conclusion –

THE WITNESS: There was a –

MS. SAVITT: Lacks foundation.

MR. GRESEN: Wait, wait, wait.

THE WITNESS: I'm sorry.

MR. GRESEN: When counsel objects, we need to wait for her to place her objection on the record before answering. So would you please re-read the question.

(Question read.)

MR. GRESEN: Ms. Savitt?

MS. SAVITT: I don't have any objection to that question.

MR. GRESEN: Okay.

MS. SAVITT: If he's responsive to the question.

BY MR. GRESEN: Q. What was the comment that you heard?

A. After we had stopped I would say a black male in his probably late teens, early 20's riding a bicycle through Burbank and he had told -- I mean, when we lit him up, he just in utter defeat just got off his bike and set his bike down. We walked up to him and he's like, "Man, this is like the fifth time I have been stopped between Alameda and Olive." You know, he had just been like

1 hassled like every block. And we confirmed that he had already been run and checked out. He
2 was on his way through the city. We got back in the car, and it was like to the – the comment was
3 like, you know, "Well, then don't ride your ass through Burbank at night," that kind of thing. You
4 know, you could tell it was done in, I don't know, kind of a Ebonics-type of inflection, if you will.
5 And I thought that was, you know, pretty specific." (Arnold Depo., 44:13-46:6)

6
7 **Grounds for Objection: No. 16:** The witness fails to identify when the alleged event
8 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
9 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
10 § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code §
11 1200).

12 **Court's Ruling on Objection 16:** **Sustained** _____
13 **Overruled** _____

14 **Objection No. 17**

15 "A: What do you call a black man sitting in a tree with a bunch of monkeys? The punch line was:
16 Branch manager." (Arnold Depo., 49:14-16)

17 **Grounds for Objection: No. 17:** The witness fails to identify who engaged in the alleged
18 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
19 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
20 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
21 inadmissible hearsay (Evid. Code § 1200).

22 **Court's Ruling on Objection 17:** **Sustained** _____
23 **Overruled** _____

24 **Objection No. 18**

25 What do you call, I don't know the number, let's say one thousand niggers at the bottom of the
26 ocean? A good start." (Arnold Depo., 49:17-19)

27 **Grounds for Objection: No. 18:** The witness fails to identify who engaged in the alleged
28 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and

1 inadmissible hearsay (Evid. Code § 1200).

2 **Court's Ruling on Objection 18:**

Sustained _____
Overruled _____

3
4 **Objection No. 19**

5 "A football field of niggers buried up to their necks? Afro turf." (Arnold Depo., 49:20-21.)

6 **Grounds for Objection: No. 19:** The witness fails to identify who engaged in the alleged
7 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
8 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
9 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
10 inadmissible hearsay (Evid. Code § 1200).

11 **Court's Ruling on Objection 19:**

Sustained _____
Overruled _____

12
13 **Objection No. 20**

14 "Q. Any other race-based humor that you recall?

15 MS. SAVITT: Calls for a conclusion.

16
17 THE WITNESS: Mexican humor. Not so much humor, but Armenian issues.(Arnold Depo.,
18 49:25-50:3.)

19 **Grounds for Objection: No. 20:** The witness fails to identify who engaged in the alleged
20 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
21 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
22 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
23 inadmissible hearsay (Evid. Code § 1200).

24 **Court's Ruling on Objection 20:**

Sustained _____
Overruled _____

25
26 **Objection No. 21**

1 "A. Yeah, there was one specific that I remember hearing in roll call. It was -- I don't know if I
2 am going to remember the joke completely, but it is something to the effect of how come there
3 were only 2,000 Mexicans at the Alamo, and the punch line was: There was only one car.(Arnold
4 Depo., 50:20-25.)

5 **Grounds for Objection: No. 21:** The witness fails to identify who engaged in the alleged
6 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
7 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
8 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
9 inadmissible hearsay (Evid. Code § 1200).

10 **Court's Ruling on Objection 21:** **Sustained** _____
11 **Overruled** _____

12 **Objection No. 22**

13 "Q. Do you recall the identity of any of the individuals who told any of the jokes that you related
14 to me?

15 A. Like I said, it was all from the back at roll call.

16 Q. These jokes were told at roll call?

17 MS. SAVITT: I'm going to move to strike as not responsive to the question.

18 MR. GRESEN: Let me ask you a new question.

19 Q. Were these jokes told at roll call?

20 A. A lot of them." (Arnold Depo., 51:8-18.)

21 **Grounds for Objection: No. 22:** The witness fails to identify who engaged in the alleged
22 conduct or when the alleged conduct occurred and thus the testimony lacks foundation (Evid.
23 Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid.
24 Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code §
25 1200).

26 **Court's Ruling on Objection 22:** **Sustained** _____
27 **Overruled** _____

“Other than those two terms, do you recall any other terms that you heard while working for the city of Burbank that were used by officers to describe black people?”

THE WITNESS: ‘Sambo.’ I would say within that time, ‘porch monkey.’” (Arnold Depo., 53:20-54:2.)

Court's Ruling on Objection 23: **Sustained** _____
Overruled _____

“Other than those two terms, do you recall any other terms that you heard while working for the city of Burbank that were used by officers to describe black people?”

THE WITNESS: 'Sambo.' I would say within that time, 'porch monkey.'" (Arnold Depo., 53:20-54:2.)

Court's Ruling on Objection 24: **Sustained** _____
Overruled _____

Objection No. 25

"Q. Now, you say Mexicans. In your experience, did the officers you worked with use Mexican interchangeably with Hispanic at the Burbank Police Department?

MS. SAVITT: Calls for a conclusion; lacks foundation; incomplete hypothetical; overbroad.

THE WITNESS: I don't think I ever heard anyone say "Hispanic."

BY MR. GRESEN: Q. What did you hear them say to refer to Latino people?

A. Usually "Mexican" or -- I can't -- I don't recall the exact terminology that was used, but it was never "Hispanic" unless it was on a report." (Arnold Depo., 53:1-14.)

Grounds for Objection: No. 25: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, incomplete hypothetical, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 25:	Sustained _____
	Overruled _____

Objection No. 26

"Q. Now, you say Mexicans. In your experience, did the officers you worked with use Mexican interchangeably with Hispanic at the Burbank Police Department?

MS. SAVITT: Calls for a conclusion; lacks foundation; incomplete hypothetical; overbroad.

THE WITNESS: I don't think I ever heard anyone say "Hispanic." (Arnold Depo., 53:1-8.)

Grounds for Objection: No. 26: The witness fails to identify the dates referred to in the testimony and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, incomplete hypothetical, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 26:	Sustained _____
	Overruled _____

Objection No. 27

"Q. Okay. Did you ever hear Armenians referred to as "sand niggers"?"

A. Yes. (Arnold Depo., 56:21-23)

Grounds for Objection: No. 27: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 27: **Sustained** _____
 Overruled _____

Objection No. 28

"Q. Did you ever hear Hispanics referred to as "paco"?"

MS. SAVITT: Overbroad; vague; calls for a conclusion; lacks foundation.

THE WITNESS: Yes.

BY MR. GRESSEN: Q. Let me limit this to: Did you ever hear a Burbank police officer use the term "paco" to describe a Hispanic?

MS. SAVITT: Same objections.

THE WITNESS: Yes." (Arnold Depo., 57:10-20)

Grounds for Objection: No. 28: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 28: **Sustained** _____

Objection No. 29

A. I don't know if that was Armenian-specific, but the term was used for Middle Eastern descent." (Arnold Depo., 57:2-5)

Court's Ruling on Objection 29: **Sustained** _____
Overruled _____

MS. SAVITT: Same objections.

Grounds for Objection: No. 30: The witness fails to identify who engaged in the alleged act, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and possibly hearsay (Evid. Code § 1200).

Court's Ruling on Objection 30: **Sustained** _____
Overruled _____

MS. SAVITT: That's not even relevant.

1 THE WITNESS: Yes.” (Arnold Depo., 60:23-61:1.)

2 **Grounds for Objection: No. 31:** The witness fails to identify who engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
6 inadmissible hearsay (Evid. Code § 1200).

7 **Court’s Ruling on Objection 31:** **Sustained** _____
8 **Overruled** _____

9 **Objection No. 32**

10 “Q. Do you recall any of the language that was said using that accent?

11 MS. SAVITT: Vague and ambiguous; unintelligible; calls for a conclusion.

12
13 THE WITNESS: The comments were made about -- there were accents used when they were
14 talking about Armenian people fighting about tickets and reasons they were getting stopped.

15 BY MR. GRESEN: Q. Okay. When they would use these comments, were they laughing about
16 it?

17 A. Yes.” (Arnold Depo., 67:3-14)

18 **Grounds for Objection: No. 32:** The witness fails to identify who engaged in the alleged
19 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
20 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
21 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
22 ambiguous, incomplete hypothetical, and inadmissible hearsay (Evid. Code § 1200).

23 **Court’s Ruling on Objection 32:** **Sustained** _____
24 **Overruled** _____

25
26 **Objection No. 33**

27 “Q. ‘Juan Doe’?

28 A. Yes.

1 Q. How did you learn that suspects were being booked in as "Juan Doe"?

2 A. General overheard conversation." (Arnold Depo., 68:16-20.)

3
4 **Grounds for Objection: No. 33:** The witness fails to identify who engaged in the alleged
5 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
6 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
7 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
8 inadmissible hearsay (Evid. Code § 1200).

9 **Court's Ruling on Objection 33:** **Sustained** _____
Overruled _____

10 **Objection No. 34**

11 "Q. Did you ever hear any Burbank officer opine to you that women had no business being on
12 the police force?

13 A. Yes.(Arnold Depo., 69:15-18)

14
15 **Grounds for Objection: No. 34:** The witness fails to identify who engaged in the alleged
16 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
17 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
18 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
19 inadmissible hearsay (Evid. Code § 1200).

20 **Court's Ruling on Objection 34:** **Sustained** _____
Overruled _____

21 **Objection No. 35**

22 "Q. Did you ever hear anybody refer to mixed race individuals -- let me rephrase that.
23 Did you ever hear any Burbank police officers refer to mixed race individuals as "half
24 breeds"?

25 A. (Arnold Depo., 72:4-8.)

26 **Grounds for Objection: No. 35:** The witness fails to identify who engaged in the alleged
27 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
28 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§

210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 35:

Sustained _____
Overruled _____

Objection No. 36

"A. Well, I can do it in an example, if I may. If you were a white male walking your dog at night in the city of Burbank and you didn't look like you were what we would call a tweaker or someone who was using drugs or if you weren't sneaking around, you were just walking down the street, the chances of talking to you were slim to none. If you were a minority walking through the city at night, you were getting talked to every time. If you were an Armenian, officers would what we call post up. They would sit up on the hill near some of the Armenian clubs down near the south end, and they would specifically wait for Armenians to leave clubs so that they could effect traffic stops, and then they would joke about the conversation they would have in an Armenian-type dialect. There was little chance, if you were an African-American person walking through the city at night, that you wouldn't get talked to at some point. There was, in my opinion, a huge bias when it came to minorities in that city." (Arnold Depo., 75:6-76:1.)

Grounds for Objection: No. 36: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), argumentative, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 36:

Sustained _____
Overruled _____

Objection No. 37

Q. "What do you mean by "targeted in the city"?"

A. "Well, I can do it in an example, if I may. If you were a white male walking your dog at night in the city of Burbank and you didn't look like you were what we would call a tweaker or someone who was using drugs or if you weren't sneaking around, you were just walking down the street, the chances of talking to you were slim to none. If you were a minority walking through the city at night, you were getting talked to every time. If you were an Armenian, officers would what we call post up. They would sit up on the hill near some of the Armenian clubs down near the south end, and they would specifically wait for Armenians to leave clubs so that they could effect traffic stops, and then they would joke about the conversation they would have in an Armenian-type dialect. There was little chance, if you were an African-American person walking through the city at night, that you wouldn't get talked to at some point. There was, in my opinion, a huge bias when it came to minorities in that city." (Arnold Depo., 75:5-76:1.)

Court's Ruling on Objection 37: **Sustained** _____
Overruled _____

"A. Well, I can do it in an example, if I may. If you were a white male walking your dog at night in the city of Burbank and you didn't look like you were what we would call a tweaker or someone who was using drugs or if you weren't sneaking around, you were just walking down the street, the chances of talking to you were slim to none. If you were a minority walking through the city at night, you were getting talked to every time. If you were an Armenian, officers would what we call post up. They would sit up on the hill near some of the Armenian clubs down near the south end, and they would specifically wait for Armenians to leave clubs so that they could effect traffic stops, and then they would joke about the conversation they would have in an Armenian-type dialect. There was little chance, if you were an African-American person walking through the city at night, that you wouldn't get talked to at some point. There was, in my opinion, a huge bias when it came to minorities in that city." (Arnold Depo., 75:6-76:1.)

Court's Ruling on Objection 38: **Sustained** _____
Overruled _____

MS. SAVITT: Lacks foundation; calls for speculation; calls for a conclusion; vague.” (Arnold

1 Depo., 79:4-8)

2 **Grounds for Objection: No. 39:** The witness fails to identify who engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
6 inadmissible hearsay (Evid. Code § 1200).

7 **Court's Ruling on Objection 39:** Sustained _____
8 Overruled _____

9 **Objection No. 40**

10 "Q. Did you ever hear any officer use the term -- excuse me -- "me fucky-sucky" to refer to
Asian people?

11 A. Not on a specific stop, but I have heard the language.

12 Q. Do you recall by whom?

13 A. No." (Arnold Depo., 80:9-15)

14 **Grounds for Objection: No. 40:** The witness fails to identify who engaged in the alleged
15 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
16 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
17 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
18 inadmissible hearsay (Evid. Code § 1200).

19 **Court's Ruling on Objection 40:** Sustained _____
20 Overruled _____

21 **Objection No. 41**

22 "Q. Anything else?

23 A. Kind of the typical 'Hey, Joe,' that kind of like 'Hey, Joe. You like good time, Joe,' that kind
24 of stuff. The word 'Joe' was used a lot." (Arnold Depo., 80:22-25.)

25 **Grounds for Objection: No. 41:** The witness fails to identify who engaged in the alleged
26

conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 41: **Sustained** _____
Overruled _____

Objection No. 42

“Q. Do you recall specifically what that terminology was that she complained about?”

A. Yeah. When two females ride together in a car, they called it a “tuna boat.” They referred to females as “split tails.” Those were the two that jump right out at me.” (Arnold Depo., 91:5-10)

Grounds for Objection: No. 42: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 42: **Sustained** _____
Overruled _____

OBJECTIONS TO EXHIBIT B – DEPOSITION TESTIMONY OF JAMAL CHILDS

Objection No. 43

“Q. Have you attended events with your wife involving the Burbank Police Department?

A. Like police events, or just going out with different people from work?

Q. Both.

A. A few times. I was kind of skeptical at first, but a few times I did, yes.

Q. Okay. So since you sort of broadened my question for me, can you tell me what kind of circumstances you're talking about?

A. I believe the first event I took my wife to, I think I went to a car show with a couple officers. Maybe -- this would probably be four years ago.

1 Q. Do you remember who the officers were?

2 A. I know Officer Nichols was there with his wife, Officer Cutler was there with his wife, and
3 Officer Garay was there with his wife.

4 Q. And then did you guys like go out and eat afterwards or something like that?"

5 A. No. We just went to the car show, and that was" (Childs Depo., 40:19-41:13.)

6
7 **Grounds for Objection: No. 43:** The witness fails to identify when the alleged event
8 occurred or the identify of all of the officers present and thus the testimony lacks foundation
9 (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory
10 (Evid. Code § 702), speculative (Evid. Code § 702), and vague.

11 **Court's Ruling on Objection 43:** Sustained _____
12 Overruled _____

13 **Objection No. 44**

14 "working?

15 A. I didn't know that we weren't allowed to.

16 Q. Well, that's not my question. When you're on duty as a police officer getting" . . ." (Childs
17 Depo., 45:20-23.)

18 **Grounds for Objection: No. 44:** The deposition testimony reflected in the citations set
19 forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid.
20 Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
21 speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), and argumentative.

22 **Court's Ruling on Objection 44:** Sustained _____
23 Overruled _____

24 **Objection No. 45**

25 "A. I remember where me and him were, but I don't remember where the investigation
26 ultimately took us. Me and him were parked on -- behind some business on Vanowen
27 Boulevard.

28 Q. And you were -- I read all these detective books. I'm told surveillance is boredom

1 peppered by something exciting. Is that a fair characterization?

2 A. Yes.

3 Q. Okay. So you guys are sitting around, just sort" (Childs Depo.51:2-11.)

4 **Grounds for Objection: No. 45:** The witness fails to identify who engaged in the alleged
5 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
6 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
7 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague.

8 **Court's Ruling on Objection 45:** **Sustained** _____
9 **Overruled** _____

10 **Objection No. 46**

11 "conversation with Karagiosian where he told you about the fight with Officer Kendrick and that
12 he told Kendrick he wanted to kill him did this conversation from the lower report writing room
13 take place?

14 A. I believe the

15 MR. GRESSEN: Misstates testimony. Foundation. You may answer.

16 THE WITNESS: Can you repeat the question?

17 Q. BY MS. SAVITT: It wasn't a very good question. Okay. You told me about one
18 conversation you had with Karagiosian where he talked about the fight up in Fresno and where he
19 admitted to you that he said he wanted to kill -- he told Kendrick he wanted to kill him. I'm
20 assuming, and maybe I'm wrong, that the conversation about what happened in the lower report
21 writing room was later.

22 A. I believe that was before.

23 Q. It was before?

24 A. Yes.

25 Q. Okay. So how much before the conversation where Karagiosian told you he had told
26 Kendrick he wanted to" (Childs Depo., 81:21-82:16.)

27 **Grounds for Objection: No. 46:** The witness fails to identify when the alleged conduct

1 occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code
2 § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
3 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

4 **Court's Ruling on Objection 46:** **Sustained** _____
5 **Overruled** _____

6 **Objection No. 47**

7 "don't have a perfect memory.

8 (Record read.)

9 THE WITNESS: I'm not sure.

10 Q. BY MS. SAVITT: Did Lieutenant Rodriguez tell you that at that management team
11 meeting, Chief Stehr was emphasizing to the management team about the department's
12 zero tolerance for harassment and discrimination policy?

13 MR. GRESSEN: Assumes facts not in evidence. Foundation. You may answer.

14 THE WITNESS: I don't remember.

15 Q. BY MS. SAVITT: Do you know that immediately after that meeting, Lieutenant Rodriguez
16 was charged with setting up diversity training for the department?

17 A. No, I do not.

18 Q. Did Lieutenant Rodriguez tell you that?

19 A. No.

20 Q. Did Lieutenant Rodriguez tell you that he was . . . "(Childs Depo., 110:5-22)

21 **Grounds for Objection: No. 47:** The testimony is conclusory (Evid. Code § 702),
22 speculative (Evid. Code § 702), and vague.

23 **Court's Ruling on Objection 47:** **Sustained** _____
24 **Overruled** _____

25 **Objection No. 48**

26 "Q. Okay. Any other comments you've heard?

27 A. I don't believe so.

28 Q. Prior to -- well, let's see. You told us at the beginning of the deposition that you don't like the

1 job as much as you used to because -- and I'm paraphrasing -- because of the tension"
2 (Childs Depo., 115:14-19.)

3 **Grounds for Objection: No. 48:** The testimony is conclusory (Evid. Code § 702),
4 speculative (Evid. Code § 702), and vague.

5 **Court's Ruling on Objection 48:** **Sustained** _____
6 **Overruled** _____

7 **Objection No. 49**

8 "serious?" And I go, "What are you talking about, sir?" He goes, "That report." And I go, "Yes,
9 sir." He goes, "Who in their right mind would give a fucking black guy thirty grand?" And then
10 he got quiet. We were having a full conversation, and then he got quiet, and he walked out. And
11 he -- he wouldn't look at me. He didn't say bye or anything. And when it -- it shocked me
12 when he said it. I mean, I was -- I was humiliated, to be honest. And I never had a problem with
13 him before that. But after that comment, things kind of changed.

14 Q. Did you say to him, you know, "That was kind of a hurtful comment," or offensive comment
15 or anything like that?

16 A. No.

17 Q. Did he ever apologize to you for it?

18 A. No.

19 Q. When was this?

20 A. Maybe two and a half to three years ago, maybe.

21 Q. Okay. So it was before you talked to Irma?

22 A. Yes.

23 Q. Okay. And you told her about it?

24 A. Yes.

25 Q. Okay. And was he one of your supervisors?

26 A. I don't know if he was my direct supervisor, but I worked that shift with him.

27 Q. Okay. Did he ever evaluate you?

28 A. I believe so.

1 Q. Did he ever give you a negative evaluation?

2 A. I don't think so.

3 Q. And you say that created a strain between you and him?

4 A. I believe so, yes.

5 Q. Now, did you feel uncomfortable around him?

6 A. Very.

7 Q. Okay. Did he ever say or do anything after that" (Childs Depo., 121:3-122:16)

8 **Grounds for Objection: No. 49:** The witness fails to identify when the alleged conduct
9 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
10 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
11 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

12 **Court's Ruling on Objection 49:** **Sustained** _____
13 **Overruled** _____

14 **Objection No. 50**

15 " anyone?

16 A. I don't believe I did, no.

17 Q. Okay. So I am correct?

18 A. I think so, yes.

19 Q. Okay. Are you aware that someone sent an anonymous letter to Mike Parrinello in his
20 capacity as president of the BPOA in May -- in March of 2008?

21 MR. GRESSEN: Foundation. Facts not in evidence. You may answer.

22 THE WITNESS: I've heard rumors about different anonymous letters, but I don't know which one
23 you're referring to.

24 Q. BY MS. SAVITT: Have you ever seen any of the anonymous letters?

25 A. No.

26 Q. Okay. Were -- did you understand that one of" (Childs Depo., 141:23-142:13)

27 **Grounds for Objection: No. 50:** The testimony is irrelevant (Evid. Code §§ 210, 350-
28 351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), and vague.

Court's Ruling on Objection 50: **Sustained** _____

conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 52:

Sustained _____

Overruled _____

OBJECTIONS TO EXHIBIT C – DEPOSITION TESTIMONY OF ANGELO RAY DAHLIA

Objection No. 53

“Q Other than Omar Rodriguez, did you hear anyone else within the police department ever use the word zog?

A Yes.

Q Who?

MS. SAVITT: Overbroad. Calls for a conclusion. Lacks foundation. Irrelevant. Not reasonably calculated to lead to the discovery of admissible evidence.

MR. PERRY: If you're aware of anybody else, then you can --

THE WITNESS: Numerous people.

BY MR. GRESSEN: Q Can you identify any of them?

A No.

Q Anybody -- ever hear anybody other than -- By numerous people, is that more than five?

A Yes.

Q More than ten?

A Yes.

Q. More than 20?

A I don't know.” (Dahlia Depo., 121:7-122:2)

Grounds for Objection: No. 53: The witness fails to identify the “numerous people” who

1 engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it
2 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
3 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
4 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

5 **Court's Ruling on Objection 53:** **Sustained** _____
6 **Overruled** _____

7 **Objection No. 54**

8 "Q Okay. Anybody else other than Omar Rodriguez you ever hear use the term miate?

9 A Yes.

10 Q Who?

11 MS. SAVITT: Same objection.

12 THE WITNESS: I heard Edgar say it before.

13 BY MR. GRESEN: Q Anybody else?

14 A Jose.

15 Q Anybody else?

16 A Kind of hard to say. I mean, in general, in the streets, you hear it.

17 Q I'm talking about --

18 A I know --

19 Q. -- police officers.

20 A I know. I'm trying. That's what I mean. No, not that I can recall.

21 Q When was the most recent time you heard someone use the term miate?

22 A I'm not 100 percent sure.

23 Q Within the last year?

24 A Possibly." (Dahlia Depo., 122:8-123:4)

25 **Grounds for Objection: No. 54:** The witness fails to identify when the alleged conduct
26 occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §
27 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
28 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 54:

Sustained _____
Overruled _____

Objection No. 55

"Q Did you ever hear anyone else other than Omar Rodriguez use the word black MF?

A Yes.

Q Who?

A Over 20 years, I have heard it, but I can't specifically say who.

Q Okay. Over 20 years you've heard it a number of times?

A A few times, yes." (Dahlia Depo., 123:5-13.)

Grounds for Objection: No. 55: The witness fails to identify who [other than Omar Rodriguez] engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 55:

Sustained _____
Overruled _____

Objection No. 56

"Q Ever hear anybody who was a police officer refer to a black as nigger?

A Yes." (Dahlia Depo., 123:23-25.)

Grounds for Objection: No. 56: The witness fails to identify anyone who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 56:

Sustained _____

1 THE WITNESS: Numerous law enforcement officers.

2 BY MR. GRESEN: Q Names?

3 A Numerous. I can't recall exactly whom.

4 Q Do you recall one name of one officer who used it other than Omar Rodriguez?

5 A Jose Duran.

6 Q Okay. Anybody else?

7 A Edgar Penaranda.

8 Q Anybody else?

9 A (No audible response.)

10 Q Ever hear a Caucasian officer use that term?

11 MS. SAVITT: Argumentative. Irrelevant.

12 BY MR. GRESEN: Q Ever hear a Caucasian officer use the term wetback?

13 A Yes.

14 Q Ever hear a Caucasian officer use the term miate?

15 A Yes.

16 Q Ever heard a Caucasian officer use the term Oreo?

17 A Yes." (Dahlia Depo., 129:24-131:6.)

18 **Grounds for Objection: No. 58:** The witness fails to identify who [other than Omar
19 Rodriguez, Jose Duran, and Edgar Penaranda] engaged in the alleged conduct, when the alleged
20 conduct occurred, or the context in which it occurred and thus the testimony lacks foundation
21 (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory
22 (Evid. Code § 702), speculative (Evid. Code § 702), vague, argumentative, and inadmissible
23 hearsay (Evid. Code § 1200).

24 **Court's Ruling on Objection 58:** **Sustained** _____
25 **Overruled** _____

26 **Objection No. 59**

27 "Q Other than Omar Rodriguez, have you ever heard anybody, any police officer, use the term
28 wetback?"

1 A Yes.

2 Q Who?

3 A Once again, numerous.

4 Q How many?

5 A Over 20 years, I mean, a lot of -- I don't know.

6 Q 30, 50 guys?

7 A No. I wouldn't say that much. Ten to 20.

8 Q When was the last time?

9 A Within the year, last year." (Dahlia Depo., 129:6-17.)

10
11 **Grounds for Objection: No. 59:** The witness fails to identify who [other than Omar
12 Rodriguez] engaged in the alleged conduct, when the alleged conduct occurred, or the context in
13 which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is
14 also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid.
15 Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).
16

17 **Court's Ruling on Objection 59:** **Sustained** _____
18 **Overruled** _____

19 **Objection No. 60**

20 "A Yes.

21 Q Ever hear a Caucasian officer use the term nigger?

22 A Yes(Dahlia Depo., 131:6-9.)

23 **Grounds for Objection: No. 60:** The witness fails to identify who engaged in the alleged
24 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
25 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
26 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
27 inadmissible hearsay (Evid. Code § 1200).

28 **Court's Ruling on Objection 60:** **Sustained** _____

Overruled _____

Objection No. 61

“Q Okay. Ever hear any officers in your tenure use the term spic?

A I would say I probably heard that, yes.” (Dahlia Depo., 131:10-12.)

Grounds for Objection: No. 61: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court’s Ruling on Objection 61:

Sustained _____
Overruled _____

Objection No. 62

“Q Have you ever heard any officer use any derogatory terms to refer to Armenians?

A Yes.

Q What terms?

MS. SAVITT: Calls for conclusion. Lacks foundation. Overbroad. Irrelevant.

THE WITNESS: Towel heads, sand nigger, f’ing Armenian. That’s about it.

BY MR. GRESEN: Q How many officers have you heard use the term towel head to refer to Armenians?

A A number.

Q Again, somewhere around 20 or more?

MS. SAVITT: Lacks foundation. Argumentative.

THE WITNESS: Could be.

BY MR. GRESEN: Q Okay. And by "could be," does that mean that that's your best estimate is around 20 or more?

A I only have -- I don't associate with everybody, so...

Q Just asking for your knowledge?

1 A Maybe 20.” (Dahlia Depo., 132:6-133:2)

2 **Grounds for Objection: No. 62:** The witness fails to identify who engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
6 argumentative, and inadmissible hearsay (Evid. Code § 1200).
7

8 **Court’s Ruling on Objection 62:** **Sustained** _____
9 **Overruled** _____

10 **Objection No. 63**

11 “Q When was the last time you heard somebody refer to an Armenian as towel head?

12 A Within the last year.” (Dahlia Depo., 133:20-22.)

13 **Grounds for Objection: No. 63:** The witness fails to identify who engaged in the alleged
14 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
15 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
16 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
17 inadmissible hearsay (Evid. Code § 1200).

18 **Court’s Ruling on Objection 63:** **Sustained** _____
19 **Overruled** _____

20 **Objection No. 64**

21 “Q F-ing Armenian, how many officers have you heard say f-ing Armenian?

22 A A few.

23 Q Can you give me your best estimate as to how many?

24 A Five to ten.

25 Q When was the last time you heard that phrase used?

26 A Once, again, I'd say within the year. I don't remember who.” (Dahlia Depo., 134:14-23.)

27 **Grounds for Objection: No. 64:** The witness fails to identify who engaged in the alleged
28 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the

1 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
2 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
3 inadmissible hearsay (Evid. Code § 1200).

4 **Court's Ruling on Objection 64:** **Sustained** _____
5 **Overruled** _____

6 **Objection No. 65**

7 "Q Have you ever heard within the department the term Armo that refers to Armenians?

8 A Yes. Yes.

9 Q By who?

10 A Once, again, it's like figure of speech. I have heard it. I don't know by whom.

11 Q Do you know how many people, best estimate?

12 A I really don't.

13 Q Last time you heard the word Armo, referring to Armenians?

14 A Within the last year." (Dahlia Depo., 135:5-15)

15 **Grounds for Objection: No. 65:** The witness fails to identify who engaged in the alleged
16 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
17 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
18 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
19 inadmissible hearsay (Evid. Code § 1200).
20

21 **Court's Ruling on Objection 65:** **Sustained** _____
22 **Overruled** _____

23 **Objection No. 66**

24 "Q But more specifically, my question was, was there a language which was acceptable earlier
25 on in your career that's no longer acceptable today?

26 MS. SAVITT: Argumentative. Vague as to acceptable by whom. Irrelevant. Calls for an opinion
27 and a conclusion by this witness. Not reasonably calculated to lead to the discovery of admissible
evidence. Grossly overbroad.

28 MR. PERRY: If you have an answer in mind, you can answer.

1 THE WITNESS: I don't think it's ever been acceptable. It's just we all have been guilty of it.

2 BY MR. GRESEN: Q You have been guilty of using that language?

3 MS. SAVITT: Argumentative. Irrelevant.

4 THE WITNESS: Honestly, yes, I have used those terms. I'm not proud of it, but absolutely, I
5 have.

6 BY MR. GRESEN: Q How recently?

7 MS. SAVITT: Same objections.

8 MR. PERRY: And to the extent that it might invade any personnel records, I'm going to object as
9 well.

10 MR. MICHAELS: By "how recently," I assume, you mean, other than in this deposition within
11 the last hour?

12 MR. GRESEN: Correct.

13 THE WITNESS: Within the last year." (Dahlia Depo., 140:23-141:25)

14 **Grounds for Objection: No. 66:** The testimony lacks foundation (Evid. Code § 403), is
15 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
16 § 702), improper opinion (Evid. Code § 800) vague, overbroad, and argumentative.

18 **Court's Ruling on Objection 66:** **Sustained** _____
19 **Overruled** _____

20 **Objection No. 67**

21 "Q But more specifically, my question was, was there a language which was acceptable earlier
22 on in your career that's no longer acceptable today?

23 MS. SAVITT: Argumentative. Vague as to acceptable by whom. Irrelevant. Calls for an opinion
24 and a conclusion by this witness. Not reasonably calculated to lead to the discovery of admissible
evidence. Grossly overbroad.

25 MR. PERRY: If you have an answer in mind, you can answer.

26 THE WITNESS: I don't think it's ever been acceptable. It's just we all have been guilty of
27 it." (Dahlia Depo., 140:23-141:9)

28

Grounds for Objection: No. 67: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800) vague, overbroad, and argumentative.

Court's Ruling on Objection 67: **Sustained** _____
Overruled _____

Objection No. 68

“Q Have you used the word nigger to refer to a black person while you have been working at the police department?

MS. SAVITT: Same objections.

THE WITNESS: I may have.” (Dahlia Depo., 145:19-23.)

Grounds for Objection: No. 68: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, harassing, and argumentative.

Court's Ruling on Objection 68: **Sustained** _____
Overruled _____

Objection No. 69

"Q Okay. Have you called anyone -- Have you used the term wetback referring to a Latino while you have been police officer at the police department?

MS. SAVITT: Same objection.

MR. PERRY: I mean is this in a discussion with other officers? I don't -- it's vague. I don't understand.

MR. GRESSEN: I'm just asking has he used it to refer to a Latino in any capacity for any reason.

MS. SAVITT: Same objections.

THE WITNESS: I'm saying I have used these words in the 20 years as well as just about everybody on the police department. And it's not necessarily meant like directly. Like I said, it could have been the heat of the battle or something. It's police talk. It's releases. It's stress releases. It's all kinds of things. It's not used in a manner of -- to discriminate that person

1 directly.” (Dahlia Depo., 146:11-147:4)

2 **Grounds for Objection: No. 69:** The testimony lacks foundation (Evid. Code § 403), is
3 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
4 § 702), vague, overbroad, harassing, and argumentative.

5
6 **Court’s Ruling on Objection 69:** **Sustained** _____
7 **Overruled** _____

8 **Objection No. 70**

9 “THE WITNESS: It really is. I mean, to be held to certain numbers. It’s very difficult. I think
10 you realize that. I think everybody in this room realizes that. Terms are used, I would say, I have
11 heard it from the majority of the people. And that’s the honest truth, whether they -- whether you
12 accept it or not, they’re maybe not used in the context of personally attacking a person. It’s an ugly
13 business that we do. It’s a stress relief sometimes. Is it right? No, it’s not. Absolutely not. But I
14 have used those words and so have other people.” (Dahlia Depo., 147:22-148:7.)

15 **Grounds for Objection: No. 70:** The witness fails to identify who engaged in the alleged
16 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
17 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
18 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad,
19 and inadmissible hearsay (Evid. Code § 1200).

20
21 **Court’s Ruling on Objection 70:** **Sustained** _____
22 **Overruled** _____

23 **Objection No. 71**

24 “ Q Okay. Did you attend a diversity training that was conducted by Niri Nahabidian?

25 A Yes, I did.

26 Q Do you recall how long that training lasted?

27 A I believe four hours, classroom.
28

1 Q After taking the -- After taking part in that course, did you have an opinion as to whether the
2 course was worthwhile or not?

3 MS. SAVITT: Objection. Irrelevant. Argumentative. Calls for an opinion.

4 MR. PERRY: Do you understand the question?

5 THE WITNESS: Yeah, I did not think very highly of the class.” (Dahlia Depo., 148:9-22.)

6 **Grounds for Objection: No. 71:** The testimony lacks foundation (Evid. Code § 403), is
7 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
8 § 702), vague, argumentative, and improper opinion (Evid. Code § 800).

9
10 **Court’s Ruling on Objection 71:** **Sustained** _____
Overruled _____

11
12 **Objection No. 72**

13 “THE WITNESS: Unorganized, the structure was geared -- it wasn't really diversity training as
14 much it appeared to be solely more geared towards the Armenian and Middle Eastern culture.
15 And at the time, it appeared that it was kind of damage control. They had to do something with
the department. It was just – it wasn't a really structured -- a really good structured class, in my
opinion. That's just my opinion.” (Dahlia Depo., 149:1-8)

16 **Grounds for Objection: No. 72:** The testimony lacks foundation (Evid. Code § 403), is
17 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
18 § 702), vague, argumentative, and improper opinion (Evid. Code § 800).

19
20 **Court’s Ruling on Objection 72:** **Sustained** _____
Overruled _____

21
22 **Objection No. 73**

23 “Q Approximately, how many police officers have you heard refer to Latinos as Julios?

24 A I have no idea.

25 Q More than five?

26 A I can't give you a number.

27 Q Okay. Did you hear it on more than one occasion?
28

1 A Yes.” (Dahlia Depo., 197:18-25.)

2 **Grounds for Objection: No. 73:** The witness fails to identify who engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad,
6 and inadmissible hearsay (Evid. Code § 1200).
7

8 **Court’s Ruling on Objection 73:** Sustained _____
9 Overruled _____

10 **Objection No. 74**

11 “Q Have you ever heard a police officer at the Burbank Police Department refer to women as
12 dykes?

13 A Yes.

14 Q On how many occasions?

15 A Maybe a couple.

16 Q How many police officers have you heard refer to women as dykes?

17 A I believe I said maybe a couple.” (Dahlia Depo., 198:9-16.)

18 **Grounds for Objection: No. 74:** The witness fails to identify who engaged in the alleged
19 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
20 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
21 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad,
22 and inadmissible hearsay (Evid. Code § 1200).
23

24 **Court’s Ruling on Objection 74:** Sustained _____
25 Overruled _____

26 **Objection No. 75**

27 “Have you ever heard any police officer at Burbank Police Department refer to certain men as
28 homos?

1 A Yes.” (Dahlia Depo., 199:19-21.)

2 **Grounds for Objection: No. 75:** The witness fails to identify who engaged in the alleged
3 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
4 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
5 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad,
6 and inadmissible hearsay (Evid. Code § 1200).

7 **Court’s Ruling on Objection 75:** **Sustained** _____
8 **Overruled** _____

9 **Objection No. 76**

10 “Q Have you ever heard any police officers at the Burbank Police Department refer to
11 individuals, Latinos, as beaners?

12 A Over the course of 20 years, I would probably say I've heard that.

13 Q How often?

14 A I have no idea. Not very, not very many.

15 Q How many officers have you heard refer to Latinos as beaners?

16 A I have no idea.” (Dahlia Depo., 201:10-19.)

17
18 **Grounds for Objection: No. 76:** The witness fails to identify who engaged in the alleged
19 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
20 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
21 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad,
22 and inadmissible hearsay (Evid. Code § 1200).
23
24

25 **Court’s Ruling on Objection 76:** **Sustained** _____
26 **Overruled** _____
27
28

“Q Have you heard police officers refer to Latinos without knowing their country of origin, just generally, as Mexicans?

A Sure.

Q When was the last time you heard that?

A Definitely within last year. That would be common if we're doing a report. If someone says suspect was a Mexican, Mexican male, Mexican female.

Q Is Mexican used interchangeably with Latino or Hispanic in the department?

MR. PERRY: Objection. Calls for opinion. Calls for speculation.

THE VIDEOGRAPHER: Overruled.

BY MR. GRESSEN: Q Yes?

A Yes, they do.” (Dahlia Depo., 202:9-24.)

Grounds for Objection: No. 77: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 77: Sustained _____
Overruled

“Q Have you referred to Latinos as Mexicans without knowing their country of origin?

A Yes. If I was describing somebody, suspect, maybe a Mexican male, in the heat of the battle, you might not be politically correct, if you say Latino, but you may say male Mexican and describe the clothing he was wearing, but, yeah.

1 Q Have you done that within the last year?

2 A Perhaps.” (Dahlia Depo., 202:25-203:8.)

3 **Grounds for Objection: No. 78:** The testimony lacks foundation (Evid. Code § 403), is
4 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
5 § 702), vague, argumentative, and improper opinion (Evid. Code § 800).

6 **Court’s Ruling on Objection 78:** **Sustained** _____
7 **Overruled** _____

8 **Objection No. 79**

9 “Q How about the term fucking Mexican? Have you ever heard officers refer to Latinos as
10 fucking Mexicans?

11 A Maybe.” (Dahlia Depo., 203:9-12.)

12
13 **Grounds for Objection: No. 79:** The witness fails to identify who engaged in the alleged
14 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
15 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
16 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
17 inadmissible hearsay (Evid. Code § 1200).

18
19 **Court’s Ruling on Objection 79:** **Sustained** _____
20 **Overruled** _____

21 **Objection No. 80**

22 “Q Okay. How many black police officers in the department today are above the rank of police
23 officer?

24 MS. SAVITT: That's irrelevant. Overbroad. Calls for speculation by this witness.

25 MR. GRESSEN: He's been there for 20 years.

26 THE VIDEOGRAPHER: Hold on. Hold on. Do you have any idea?

27
28 THE WITNESS: I don't believe there's any. One has been there for a year and a half. The other's

1 been there for maybe four years, so...

2 BY MR. GRESEN: Q Do you know how many African-American police officers there are in the
3 Burbank Police Department total?

4 A I believe four. And two of them have just been -- they have less than a couple of years on.
5 They're new hires." (Dahlia Depo., 205:4-20.)
6

7 **Grounds for Objection: No. 80:** The testimony lacks foundation (Evid. Code § 403), is
8 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
9 § 702), vague, and overbroad.

10 **Court's Ruling on Objection 80:** Sustained _____
11 Overruled _____

12 **OBJECTIONS TO EXHIBIT D – DEPOSITION TESTIMONY OF CINDY GUILLEN-**
13 **GOMEZ**

14 **Objection No. 81**

15 " A. Within the last six months.

16 Q Was it used on any occasion as an epithet, in other words, calling somebody that word, or was
17 it used in referring to -- as a -- as a slang word for prostitute?" (Guillen-Gomez Depo., 668:25-
18 669:4.)
19

20 **Grounds for Objection: No. 81:** The witness fails to identify who engaged in the alleged
21 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
22 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
23 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
24 inadmissible hearsay (Evid. Code § 1200).
25

26 **Court's Ruling on Objection 81:** Sustained _____
27 Overruled _____
28

“Q. Do you recall personally hearing any member of the Burbank Police Department use the “N” word?

Grounds for Objection: No. 82: The testimony is irrelevant (Evid. Code §§ 210, 350-

Objection No. 83

Q. Was it another officer, or was it somebody in” (Guillen-Gomez Depo., 670:8-10.)

Objection No. 84

MR. MICHAELS: Okay. I need to take a break here for a minute to regroup and think about what -- what I've got left. So let's go off the record.

1 MR. GRESEN: Thank you.

2 THE VIDEOGRAPHER: Off the record at 12:05 p.m. (A recess was taken.)

3 THE VIDEOGRAPHER: And we are on the record at 12:15 p.m. This is the beginning of Tape
4 2, Volume IV.

5 Q. BY MR. MICHAELS: You okay?

6 A. Yes. I'm okay.

7 Q. Tell me if you need a moment.

8 A. Oh, no. I'm fine.

9 Q. I hope that that's for your nose rather than your eyes.

10 A. I open so too.

11 MR. GRESEN: See how it goes.

12 Q. BY MR. MICHAELS: That tissue. Okay. Now, I've asked you whether you used some of
13 these words, and you said, "Possibly." Is there -- are there any derogatory words of an ethnic,
14 racial, or sexual nature that you have a recollection of using?

15 A. No.

16 Q. I'd like to ask you about your answer that you. . . ." (Guillen-Gomez Depo., 670:22-671:25.)

17 **Grounds for Objection: No. 84:** The testimony lacks foundation (Evid. Code § 403), is
18 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
19 § 702), vague, and overbroad.

20 **Court's Ruling on Objection 84:** Sustained _____
21 Overruled _____

22 **Objection No. 85**

23 " hour.

24 Can you think of any other event that was --" (Guillen-Gomez Depo., 680:24-25.)

25 **Grounds for Objection: No. 85:** The deposition testimony reflected in the citations set

1 forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid.
2 Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
3 speculative (Evid. Code § 702), vague, and ambiguous.

4 **Court's Ruling on Objection 85:** **Sustained** _____
5 **Overruled** _____

6 **OBJECTIONS TO EXHIBIT E – DEPOSITION TESTIMONY OF STEVE**
7 **KARAGIOSIAN**

8 **Objection No. 86**

9 "Q. Why -- why did that offend you?

10 A. Because I knew they would start with the "Vontez," and then they would start with an accent
11 in Armenian saying stuff, like, "Oh, my friend." You know, "100 percent it wasn't me speeding."
12 "My friend." That's how the conversation would go.

13 Q. Okay. But my question is, why does saying good morning in Armenian offend you?

14 A. Because it was a -- it was a combination of everything they did. If it was just "Vontez" in
15 Armenian, that would be if somebody said it in Spanish, "Hola. Coma estas." But then when they
16 start talking to me in an accent and they start saying things that doesn't pertain to me, it pertains to
17 a suspect or somebody that they contacted, that's when it was offensive.

18 Q. Okay. So what else did they say to you in Armenian besides good morning?

19 A. That's the only thing they knew how to say. Several other cuss words here and there but...

20 Q. Well -- okay. What are the cuss words they said?

21 A. You know, I can't remember. But they would -- I guess when they contacted some of these
22 Armenian subjects on the street, they would ask them, and then they would come in, and some of
23 them -- I can't remember which ones" (Karagiosian Depo., 42:16-43:15.)

24 **Grounds for Objection: No. 86:** The witness fails to identify who engaged in the alleged
25 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
26 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
27 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
28 inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 86:

Sustained _____
Overruled _____

Objection No. 87

"Q. You said there were suspects. Did some of the suspects speak English?

A. Yes.

Q. Okay. Did you interview the English-speaking suspects or just the Armenian-speaking suspect?

A. Both.

Q. So you interviewed all the suspects in the case?

A. Yes.

Q. Okay. Did anybody else interview any of the suspects in the case?

A. Yes." (Karagiosian Depo., 92:20-93:4)

Grounds for Objection: No. 87: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), and speculative (Evid. Code § 702).

Court's Ruling on Objection 87:

Sustained _____
Overruled _____

Objection No. 88

"Q. Okay.

A. I don't think it's the heart. It's like the middle portion of your body?

Q. Okay.

MR. GRESSEN: Indicating his sternum.

Q. BY MS. SAVITT: Who were the two other officers that were present?

A. I believe -- I don't recall. I believe that it was Sergeant -- I'm sorry, Officer Neil Gunn and Officer Jimenez, at the time Diaz. A female officer that got married.

Q. Okay. So after he said, "I'm SRT. I'll put it in your ten ring," what happened next?

1 A. I stood up, and I said, "You're SRT?" And I cussed. And he said, "Yeah." I said, "Look at
2 me, and look at me well." I" (Karagiosian Depo., 145:16-146:7)

3 **Grounds for Objection: No. 88:** The witness fails to identify when the alleged conduct
4 occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §
5 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
6 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

7 **Court's Ruling on Objection 88:** Sustained _____
8 Overruled _____

9 **Objection No. 89**

10 "What's your question about that one?"

11 Q. BY MS. SAVITT: What -- what was the circumstances of Aaron Kendrick saying that in the
12 second one -- in the second -- the second instance of, "I have the chief on speed dial"?

13 A. Yeah. When I told -- when I said that I confronted him about dumping dope and being an
14 aggressive officer or doing all these illegal activities, he said," (Karagiosian Depo., 169:19-
15 170:1)

16 **Grounds for Objection: No. 89:** The witness fails to identify when the alleged conduct
17 occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §
18 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
19 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

20 **Court's Ruling on Objection 89:** Sustained _____
21 Overruled _____

22 **Objection No. 90**

23 ""I never told him that. If you want, I have the chief on speed dial. I can call him, and," you
24 know, "we can ask him. That's not," you know, "what I said." And I said, "Aaron," I said, "I won't
25 talk to the chief of police, man. It doesn't work that way." I" (Karagiosian Depo., 170:2-6.)

26 **Grounds for Objection: No. 90:** The witness fails to identify when the alleged conduct
27 occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §
28 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §

702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 90: Sustained _____
Overruled

Objection No. 91

“Q. Okay. Do you know if that was a reasonable place to go look to see if they had fled there?”

A. No.

Q. Okay. So this would have been in what? 2004 when you were --

A. 2005.

Q. You said you were brand -- you were still brand new?

A. I was either on probation or right off of probation.

Q. So it was also 2005?

A. Right.

Q. Okay. And this was over the radio?

A. Yes.” (Karagiosian Depo., 277:9-22.)

Grounds for Objection: No. 91: The witness fails to identify who engaged in the alleged conduct or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Further, the testimony should be barred because the alleged conduct occurred in 2005, outside the applicable statute of limitations period, and the testimony is thus irrelevant and inadmissible.

Court's Ruling on Objection 91: Sustained _____
Overruled

Objection No. 92

"heard say NHI.

A. I couldn't you every officer. I can tell you the most recent one that I remember specifically saying it.

1 Q. Okay.

2 A. Detective Ross said it during the Jacaranda murder.

3 Q. And what was the context that he said it?

4 A. We were trying -- him and I interviewed the only witness at the time, Agasi Simonian.
5 The interview took like literally four to six hours because he didn't want"
6 (Karagiosian Depo., 287:1-11.)

7 **Grounds for Objection: No. 92:** The witness fails to identify when the alleged conduct
8 occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
9 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
10 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

11 **Court's Ruling on Objection 92:** **Sustained** _____
12 **Overruled** _____

13
14 **Objection No. 93**

15 "Q. Okay. Sam Anderson. When did you hear Sam Anderson use the expression "Armos"?

16 A. Same -- no. Sam Anderson was earlier than that. It was somewhere in 2006 -- later than that.
17 2006. He worked a graveyard shift with us, and he was -- he worked" (Karagiosian Depo.,
18 300:21-25.)

19 **Grounds for Objection: No. 93:** The witness fails to identify who engaged in the alleged
20 conduct or the context in which it occurred and thus the testimony lacks foundation (Evid. Code §
21 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code §
22 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

23 Further, the testimony should be barred because the alleged conduct occurred in 2005, outside the
24 applicable statute of limitations period, and the testimony is thus irrelevant and inadmissible.

25 **Court's Ruling on Objection 93:** **Sustained** _____
26 **Overruled** _____

27
28

“Q. And who has referred to Hispanics as Julios?”

A. Scott Moody and Buteyn.

Q. Okay. And when did you hear Scott Moody refer to Hispanics as Julios?" (Karagiosian Depo., 302:16-18.)

Grounds for Objection: No. 94: The witness fails to identify when the alleged conduct occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 94: **Sustained** _____
Overruled

“A. They were in the roll call together.

Q. Okay. How many times did you hear them say it?

A. Once.” (Karagiosian Depo., 303:13-15.)

Grounds for Objection: No. 95: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 95: Sustained _____
Overruled

“that’s illegal or undocumented in Southern California Hispanic?”

MR. GRESN: Foundation. Speculation.” (Karagiosian Depo., 305:10-12.)

Grounds for Objection: No. 96: The deposition testimony reflected in the citations set

1 forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid.
2 Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
3 speculative (Evid. Code § 702), vague, and ambiguous.

4 **Court's Ruling on Objection 96:** **Sustained** _____
5 **Overruled** _____

6 **Objection No. 97**

7 "Q. Aren't you supposed to report to the department when there's violations of department
8 policy?

9 A. Yes.

10 Q. Okay. Who has said, "I'm going to go get a" (Karagiosian Depo., 307:22-25.)

11 **Grounds for Objection: No. 97:** The witness fails to identify who engaged in the alleged
12 conduct, what the alleged conduct was, when the alleged conduct occurred, or the context in which
13 it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
14 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
15 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

17 **Court's Ruling on Objection 97:** **Sustained** _____
18 **Overruled** _____

19 **Objection No. 98**

20 "him.

21 Q. Okay. So have you told me everything about your first conversation with him? A.

22 Basically. That's all it was.

23 Q. Okay. And your second conversation with him?

24 A. My second conversation -- kind of the same way. I -- I think I discussed a little bit about
25 Aaron Kendrick and the stuff that was said by the Thursday, Friday, Saturday graveyard -- day
26 shift guys. And he basically told me that -- to stay away from that shift. Don't work that shift with
27 those guys. He says -- and he said, "Just do what you got to do, but avoid working that shift." And
28 I told him -- I said, "I didn't pick it. I was placed on that shift because I got off probation. And it
was not time to pick yet. So I was placed in that position." He said, "Okay," you know. And I

1 said, "Hey, Bruce," I said, "My personality is I like to confront people, and not in a bad way." I
2 said, "I like to confront them, and then we just take care of it because I don't want to go to
3 supervisors." I said, "I don't believe in that." And he said, "I agree with you, but you got to be
4 careful in this department because you're going to go tell an officer, and then he's going to go tell a
5 supervisor that you did something bad." And I said, "If that happens, I'll lose it." And then that
6 was the extent of – basically somewhere of that. I don't know the exact words. It was a while
7 back. But something to that effect.

8 Q. Okay. And what was the third conversation?

9 A. The third conversation was, I believe, after the FTO test because Bruce Slor took the FTO test
10 as well, and he scored very low. And I called him. I said, "Hey, Bruce, I got No. 1." And he
11 says, "Yeah." I said, "But you're never going to believe this is what I heard, somebody say that I
12 was a towel and because I was Armenian." I said, "Bruce, I'm about to lose it." I said, "I can't
13 take it anymore. All this shit's got to stop." I said, "You know, it's coming to the point where, you
14 know, I'm" -- "I'm" -- "I'm, you know, getting over the edge." And he told me, "Steve, it's not
15 worth it. You got a wife. You got kids. You know, you're moving up in the department. You're
16 a good cop." And he gave me the whole spiel and calmed me down basically." (Karagiosian
17 Depo., 323:6-325:3.)

18 **Grounds for Objection: No. 98:** The witness fails to identify who engaged in the alleged
19 conduct, when the alleged conduct occurred, or the context in which it occurred and thus the
20 testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§
21 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
22 inadmissible hearsay (Evid. Code § 1200).

23 **Court's Ruling on Objection 98:** Sustained _____
24 Overruled _____

25 **Objection No. 99**

26 "patrol?"

27 A. All the way till probably going to SED." (Karagiosian Depo., 336:18-19.)

28 **Grounds for Objection: No. 99:** The deposition testimony reflected in the citations set
forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid.
Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
speculative (Evid. Code § 702), vague, and ambiguous.

Court's Ruling on Objection 99:

Sustained _____
Overruled _____

OBJECTIONS TO EXHIBIT F – DEPOSITION TESTIMONY OF LIEUTENANT JON MURPHY

Objection No. 100

"THE WITNESS: My best recollection was that the chief had made a comment about he can remember a time when they would say the "N" word at role calls.

BY MR. GRESSEN: Q And did the chief use the full "N" word, or did he say the "N" word? Did Chief use -- let me ask it this way -- and I apologize for the language, but it is what it is. Did the chief say "N word," or did the chief say the word "nigger"? And you can say the former or the latter. Your choice.

A He said the full complete word.” (Murphy Depo., 54:7-19.)

Grounds for Objection: No. 100: The witness fails to identify when the alleged conduct occurred or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 100: Sustained _____
Overruled

Objection No. 101

“Q On how many occasions did Officer Rodriguez -- or did Lieutenant Rodriguez complain to you of officers writing inappropriate comments on grease boards?

A I believe it was just one time, sir.

Q Do you recall what officer – or Lieutenant Rodriguez said in that regard?

A I don't recall the specifics. I don't recall the word. But apparently one of the -- it's an assuming on my part. Somebody wrote on the grease board inside the investigator's office area a derogatory term.

MS. SAVITT: I'm going to move to strike as speculation by this witness.

BY MR. GRESSEN: Q Did somebody tell you that?

A Yes.

Q Omar?

1 A Yes, sir.

2 Q Did you ever go observe the grease board yourself?

3 A. No, sir.

4 Q Did Omar tell you that it was a -- it was derogatory based upon race?

5 MS. SAVITT: Lacks foundation, leading, calls for speculation and a conclusion.

6 THE WITNESS: Yes, sir.” (Murphy Depo., 62:3-63:4.)

7 **Grounds for Objection: No. 101:** The witness fails to identify who engaged in the
8 alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus
9 the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code
10 §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and
11 inadmissible hearsay (Evid. Code § 1200).

12 **Court’s Ruling on Objection 101:** **Sustained** _____
13 **Overruled** _____

14 **Objection No. 102**

15 “Q Did you ever hear an officer use the term "wet back" to refer to an Hispanic?

16 MS. SAVITT: Same objections.

17 THE WITNESS: As an officer in the department?

18 MR. GRESEN: Yes.

19 THE WITNESS: Yeah, I believe that -- yes, sir.” (Murphy Depo., 82:13-20.)

20 **Grounds for Objection: No. 102:** The witness fails to identify who engaged in the
21 alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus
22 the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code
23 §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague,
24 overbroad, and inadmissible hearsay (Evid. Code § 1200).

[PROPOSED] ORDER RE: DEFT.'S EVID. OBJNS. RE: MSJ AGAINST PLAINTIFF CHILDS

“Q Okay. Other than Chief Stehr using the "N" word as we've discussed, have you heard other officers using the "N" word within the department?

THE WITNESS: Not to say that I haven't heard it, but it's been years." (Murphy Depo., 84:8-14.)

Court's Ruling on Objection 105:

Sustained _____
Overruled _____

“Q Okay. Have you heard people being referred to as "fags" by police officers?

THE WITNESS: Yes, sir. I've heard the term, but I can't recall specifics as to when. It's been a while." (Murphy Depo., 85:5-11.)

Grounds for Objection: No. 106: The witness fails to identify who engaged in the alleged conduct, when the alleged conduct occurred, or the context in which it occurred and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, overbroad, and inadmissible hearsay (Evid. Code § 1200).

[PROPOSED] ORDER RE: DEFT.'S EVID. OBJNS. RE: MSJ AGAINST PLAINTIFF CHILDS

1 1200).

2 **Court's Ruling on Objection 110:** **Sustained** _____
3 **Overruled** _____

4 **Objection No. 111**

5 " Q. Yeah, yeah, I'm just waiting for you to finish. Okay. You said that certain officers were
6 being looked at or investigated. Was it your understanding that, from what the chief told you, that
the department was conducting an investigation into some race-based issues in the department?

7 A. Yes." (Nahabedian Depo., 20:15-21)

8 **Grounds for Objection: No. 111:** The testimony lacks foundation (Evid. Code § 403), is
9 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
10 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

11 **Court's Ruling on Objection 111:** **Sustained** _____
12 **Overruled** _____

13 **Objection No. 112**

14 "Q. And you suggested it -- well, let me ask it this way: You said that you discussed additional
15 trainings. Did you suggest additional trainings in that first meeting?

16 A. In that first training, you know, I think we were getting started; and so I think the idea of it being --
17 and that sometimes it's done in an eight-hour period. Sometime it's done over a period of time --
something that I mentioned. But we didn't plan on or I didn't -- we didn't plan on it.

18 Q. Did the chief tell you that he was doing this to avoid liability, words to that effect?

19 A. I -- let me see. I'm trying to think back and remember. That's what my silence is. The word
20 "liability" did come up and -- and I think the -- the thing -- yeah. Does that answer that question?
(Nahabedian Depo., 25:7-23)

21 **Grounds for Objection: No. 112:** The testimony lacks foundation (Evid. Code § 403), is
22 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
23 § 702), vague, improper opinion (Evid. Code § 800) and inadmissible hearsay (Evid. Code §
24 1200).

25 **Court's Ruling on Objection 112:** **Sustained** _____
26 **Overruled** _____

“Q. And what did he tell you? How long prior to your meeting with him, did he tell you was their last training?

Q. Is that your best estimate from your recollection, or is it just totally a guess?

Grounds for Objection: No. 113: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 703), hearsay (Evid. Code § 702), and inadmissible hearsay (Evid. Code § 1200).

Objection No. 114

MS. HUREVITZ: Question is compound.

Grounds for Objection: No. 114: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

Objection No. 115

"A. My impression was that it was about harassment in terms of based on either sexual -- not sexual, based on race, ethnicity, gender. So those were the issues that had taken place."

1 (Nahabedian Depo., 37:21-24.)

2 **Grounds for Objection: No. 115:** The testimony lacks foundation (Evid. Code § 403), is
3 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
4 § 702), vague, improper opinion (Evid. Code § 800) and inadmissible hearsay (Evid. Code §
5 1200).

6 **Court's Ruling on Objection 115:** **Sustained** _____
7 **Overruled** _____

8 **Objection No. 116**

9 "Q. Okay. Did you hear any comments -- well, let's start with negative first. Did you hear any
10 negative comments about the training or training process from any of the people you were
training?"

11 A. Yes.

12 Q. How many negative comments did you receive?

13 A. How many negative comments did I receive?

14 Q. Yes.

15 A. There were negative comments at every training. How many at every training? Many."
16 (Nahabedian Depo., 40:12-22.)

17 **Grounds for Objection: No. 116:** The witness fails to identify who made the alleged
18 comments, when the alleged comments occurred, or the context in which the comments were
19 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
20 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
21 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

22 **Court's Ruling on Objection 116:** **Sustained** _____
23 **Overruled** _____

24 **Objection No. 117**

25 "A. These few I can easily say because I went over them and I heard them many times. Let me
26 see. "We're doing this: It's a CYA." Another one would be, you know, when -- when -- let's see
27 how it goes. When someone doesn't -- when a -- when someone from a minority group doesn't get,
28 you know, a promotion or this and that -- and I'm paraphrasing -- then they say it's racism.

1 Q. Any other complaints?" (Nahabedian Depo., 42:3-11.)

2
3 **Grounds for Objection: No. 117:** The witness fails to identify who made the alleged
4 comments, when the alleged comments occurred, or the context in which the comments were
5 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
6 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
7 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

8 **Court's Ruling on Objection 117:** **Sustained** _____
9 **Overruled** _____

10 **Objection No. 118**

11 "Q. Thank you. Did you hear the comment that, if they don't get a promotion, they complain
12 racism on more than one occasion?

13 A. Yes.

14 Q. Did you hear it on almost every session that you taught?

15 A. Almost every -- I -- I would say it was most -- it was on most." (Nahabedian Depo., 43:5-12.)

16
17 **Grounds for Objection: No. 118:** The witness fails to identify who made the alleged
18 comments, when the alleged comments occurred, or the context in which the comments were
19 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
20 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
21 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

22 **Court's Ruling on Objection 118:** **Sustained** _____
23 **Overruled** _____

24 **Objection No. 119**

25 "A. "Why do we have to change the way we do things? If they come to this country, they should
26 -- they should -- we shouldn't have to learn about their ways." They should get with the program
27 basically.

28 Q. Did you hear this complaint on more than one occasion?

1 A. Yes.” (Nahabedian Depo., 43:21-44:3.)

2 **Grounds for Objection: No. 119:** The witness fails to identify who made the alleged
3 comments, when the alleged comments occurred, or the context in which the comments were
4 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
5 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
6 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

7 **Court’s Ruling on Objection 119:** Sustained _____
8 Overruled _____

9 **Objection No. 120**

10 “Q. Let me rephrase it. Were you concerned for any reason that more people were voicing these
11 concerns as opposed to expressing support of your position?

12 A. Yes, I was. And my -- my sense was -- and again, when you do any sort of a training, you
13 want -- you want folks to feel comfortable expressing their views and so it is -- so what happens is
14 that, if there's one kind of perspective, that gets to be more powerful. It's -- it's harder for, again,
15 the minority, and it's -- so in this case, it would be those folks that tend to -- tend to maybe are
16 experiencing those sorts of experiences then are not able to articulate it or not able to speak on that
17 behalf as much. Does that make sense?” (Nahabedian Depo., 49:5-20.)

18 **Grounds for Objection: No. 120:** The witness fails to identify who made the alleged
19 comments, when the alleged comments occurred, or the context in which the comments were
20 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
21 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
22 § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code §
23 1200).

24 **Court’s Ruling on Objection 120:** Sustained _____
25 Overruled _____

26 **Objection No. 121**

1 “Q. Did any of the officers tell you at the end of the training that they thought it was a waste of
2 time?

3 A. Yes” (Nahabedian Depo., 52:7-10.)
4

5 **Grounds for Objection: No. 121:** The witness fails to identify who made the alleged
6 comments, when the alleged comments occurred, or the context in which the comments were
7 made and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also
8 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
9 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

10 **Court’s Ruling on Objection 121:** **Sustained** _____
11 **Overruled** _____

12 **Objection No. 122**

13 “Q. Let me ask it this way: Please to the best of your recollection, tell me what was said at that
14 meeting.

15 A. Okay. So I said that -- you know, we had completed it and -- and other than the diversity-
16 related -- there were diversity-related issues, and there were, you know, other things that kind of
17 came up that were unrelated to it. And so I wanted to communicate that as well. So for . . .”
18 (Nahabedian Depo., 55:25-59:8.)

19 **Grounds for Objection: No. 122:** The testimony lacks foundation (Evid. Code § 403), is
20 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
21 § 702), vague, and inadmissible hearsay (Evid. Code § 1200).

22 **Court’s Ruling on Objection 122:** **Sustained** _____
23 **Overruled** _____

24 **Objection No. 123**

25 “Q. Did you tell Chief Stehr or anyone else at a post-training meeting that you believe that the
26 department had a problem with its attitudes towards --

27 A. Yeah.

28 Q. -- separate races?

A. Yes.” (Nahabedian Depo., 59:22-60:3)

Grounds for Objection: No. 123: The testimony lacks foundation (Evid. Code § 403), is

1 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
2 § 702), vague, improper opinion (Evid. Code § 800) and inadmissible hearsay (Evid. Code §
3 1200).

4 **Court's Ruling on Objection 123:** **Sustained** _____
5 **Overruled** _____

6 **Objection No. 124**

7 "Q. Well, I'm wondering if you expressed to anyone that there was more work that needed to be
8 done at the City of Burbank with respect to diversity training?

9 A. Yes.

10 Q. And did you express that your belief -- your belief was that they needed more diversity
11 training?

12 A. Yeah, it was a hope. It was -- yes." (Nahabedian Depo., 60:11-19.)

13 **Grounds for Objection: No. 124:** The testimony lacks foundation (Evid. Code § 403), is
14 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
15 § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code §
16 1200).

17 **Court's Ruling on Objection 124:** **Sustained** _____
18 **Overruled** _____

19 **Objection No. 125**

20 "Q. Okay. But in your opinion at that time, the department needed more diversity training; is that
21 correct?

22 MS. HUMISTON: Objection. Lacks foundation, calls for speculation.

23 THE WITNESS: Do I answer?

24 BY MR. GRESEN: Q. Yes.

25 A. The answer to that question is yes, and it's not unlike -- and I don't -- and you're probably not
26 interested in this other piece of what I'm about to say -- but it's not unlike many other places.
Does that make sense?" (Nahabedian Depo., 60:20-61:7.)

27 **Grounds for Objection: No. 125:** The testimony lacks foundation (Evid. Code § 403), is
28 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code

irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 127:

Sustained _____
Overruled _____

Objection No. 128

“Q. Did anybody tell you that they were afraid to speak out?

A. Yeah, I got that from one person who came and approached me about it being important to do.

Q. Did he or she tell you why he or she was afraid to speak out?

A. I don't think so.” (Nahabedian Depo., 64:20-65:1)

Grounds for Objection: No. 128: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), vague, improper opinion (Evid. Code § 800), and inadmissible hearsay (Evid. Code § 1200).

Court's Ruling on Objection 128: Sustained _____
Overruled

OBJECTIONS TO EXHIBIT H – DEPOSITION TESTIMONY OF MARSHA RAMOS

Objection No. 129

“city council member end?

A. I think it technically ended midnight April 30, 2009. My last meeting -- but it was a formality -- was May 1st, 2009.” (Ramos Depo., 12:2-5)

“Q. Well, the question was, given the objections, did you have any knowledge of any problems within the Burbank Police Department concerning racial issues or bias during your tenure as a city council member? And I don't think a yes or no would violate any privilege.

A. Yes.” (Ramos Depo., 15:13-19)

Grounds for Objection: No. 129: The testimony lacks foundation (Evid. Code § 403), is

1 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
2 § 702), and vague.

3 **Court's Ruling on Objection 129:** **Sustained** _____
4 **Overruled** _____

5 **Objection No. 130**

6 "Q. Okay. Can you tell me about that open, anonymous letter? Well, first, do you recall when you --
7 when you first became aware of the open, anonymous letter?

8 A. I believe it was in the fall of 2009, but that's just my best recollection.

9 Q. Well, it would have to be in the fall of '08 because --

10 A. Oh, fall of '08, fall of '08." (Ramos Depo., 16:23 - 17:6)

11 **Grounds for Objection: No. 130:** The testimony lacks foundation (Evid. Code § 403), is
12 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
13 § 702), and vague.

14 **Court's Ruling on Objection 130:** **Sustained** _____
15 **Overruled** _____

16 **Objection No. 131**

17 "Q. Did the counsel undertake any efforts to see that the matters in the letter were investigated?

18 A. We were -- well, that's where it gets crazy. We were told that we were not to speak to anybody
about the anonymous letter.

19 Q. Who told you that?

20 A. The city attorney and I went nuts and almost hired my own attorney because, if there was ever
anything, we weren't even allowed to ask anybody." (Ramos Depo., 17:20 - 18:5)

21 **Grounds for Objection: No. 131:** The testimony lacks foundation (Evid. Code § 403), is
22 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
23 § 702), attorney-client privilege (Evid. Code § 954), inadmissible hearsay (Evid. Code § 1200),
24 and vague.

25 **Court's Ruling on Objection 131:** **Sustained** _____
26 **Overruled** _____

“Q. Did Officer Jones tell you what she meant by the "culture in the department"?

A. I asked her, "Is there -- is it because there's no room for promotion? Is that the problem?" And she says, "Not in this department." And she said something -- she alluded but never said specifically, "It's because I'm black." She never said that or "because I'm female." But -- she said, "We'll talk later." But we never did.” (Ramos Depo., 19:6-15)

Court's Ruling on Objection 132: **Sustained** _____
Overruled _____

“Q. Do you recall any of the details?

A. There were allegations of, I believe, discrimination and inappropriate treatment of officers. I believe there was allegations of forced used by some officers against the public. I think I recall some references to inappropriate behaviors of supervisors and commanding officers within the department that went unreported. I recall that certain officers were cited as using racial epithets, and that's all I recall at this moment.” (Ramos Depo., 20:14-24)

Court's Ruling on Objection 133: **Sustained** _____
Overruled _____

"And he said, 'Well, there's problems within the department, and they have been going on a long time.' And he said, 'You remember when' -- and then he brought up the police audit; and we

1 talked about that, his work in that. We talked about -- I talked about that when I was on the police
2 commission prior to my service on the council that I encouraged my fellow commissioners and the
3 council to do a -- a recruitment goal in the -- in their annual goals. And that was accepted. So
4 when he told me that the recruitments were going well but the actual hiring was a battle for him
5 because there was a process in place that kicked back potential good recruits, I remember stating
6 to him that, you know, that was disappointing to hear because that's something that I believe the
7 council was very committed to. He explained some particular situations, and I don't remember the
8 details of them. He spoke about a -- an environment that he felt was retaliatory in which that, if
9 anything was brought to the attention of Chief Stehr, that they were retaliated against and
10 punished. He spoke about there being a pretty acceptable environment where individuals officers
11 characterized the community and perhaps other -- and I think he said and other officers negatively
12 based on their race or gender." (Ramos Depo., 23:22 – 24:24)

13 **Grounds for Objection: No. 134:** The testimony fails to identify who engaged in the
14 alleged conduct, when the alleged conduct occurred or the context in which the conduct occurred
15 and thus the testimony lacks foundation (Evid. Code § 403). The testimony is also irrelevant
16 (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702),
17 inadmissible hearsay (Evid. Code § 1200), and vague.

18 **Court's Ruling on Objection 134:** **Sustained** _____
19 **Overruled** _____

20 **Objection No. 135**

21 "Deputy Chief Bill Taylor was going to be demoted, and for me that one really -- that's when I just
22 began to say, "Wait a minute. There's got to be something to this." Because when I began my first
23 work with the city 25 years ago -- probably more than that now -- 25 years ago, my first community
24 volunteer outside was Police Community At Reach, and I worked with Bill Taylor. So he said, "I
25 wanted to also let you know that Bill Taylor is going to be demoted." What else was in that
26 conversation? That was a lot. He asked who he could talk to because I pretty much said there's not a
27 whole lot that I felt that I could do. One council member does not give any direction to anyone, and I
28 can't really get involved.

However, I asked him if he had talked to anyone, and he said he felt he couldn't or he had tried and
he felt there was -- I remember the other thing he talked about was the whole structural framework of
the police union and that leadership and others in the department and that there was a rift. And there
was deal-makings being made, and Bill Taylor was part of the deal." (Ramos Depo., 25:3 - 26:1)

"Q. Did Omar tell you anything about the police officers union vis-a-vis Chief Stehr and getting
Chief Stehr's position as chief?

1 A. Yes.

2 Q. What did he tell you about that?

3 A. He said -- he said that there was an agreement that, if there was support for Chief Stehr, that Chief
4 Stehr would grant them certain promotions." (Ramos Depo., 26:2-10)

5 **Grounds for Objection: No. 135:** The testimony lacks foundation (Evid. Code § 403), is
6 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
7 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

8 **Court's Ruling on Objection 135:** **Sustained** _____
9 **Overruled** _____

10 **Objection No. 136**

11 "A. In fact, as the week went on and things kind of got a little more tense because what -- I forget
12 why I thought somebody else was getting tense. I remember telling Mike -- this I do remember
13 telling him: "If someone doesn't go in there now, there is so -- so much distrust within that department
14 that I'm getting so many mixed messages -- not so many, but enough. I'm watching what's happening
15 and listening." I said, "If someone doesn't go in there, Mike, if you -- that Bill can trust, this thing is
going to blow up." And I said, "If you have to go in every roll call and say to the troops, you know,
16 'Rah, rah, rah' -- I don't know what." But I said, "I can tell you that your department will probably fall
17 apart."

16 Q. Do you recall what he said to you?

17 A. He didn't say anything.

18 Q. Did you have any more --

19 A. At that time I felt like what -- "Don't let the door hit you on the way out." Or kind of like saying
20 bye." (Ramos Depo., 32:16 - 33:11)

21 **Grounds for Objection: No. 136:** The testimony lacks foundation (Evid. Code § 403), is
22 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
23 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

24 **Court's Ruling on Objection 136:** **Sustained** _____
25 **Overruled** _____

26 **Objection No. 137**

27 "Q. And what -- what do you recall about that conversation?
28

1 A. He was very good. He said, "Well, there are certain things that are going on that I can't
2 speak to you about, but I do believe the department has problems. I do believe that there are issues of
3 discrimination and retaliation. And in -- and it's an environment where people are fearful." And I
4 sensed that people were fearful. And remember, prior this I had also gotten a phone call about the
5 animal shelter, so." (Ramos Depo., 37:2-12)

6 **Grounds for Objection: No. 137:** The testimony lacks foundation (Evid. Code § 403), is
7 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
8 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

9 **Court's Ruling on Objection 137:** **Sustained** _____
10 **Overruled** _____

11 **Objection No. 138**

12 "Q. Okay. When Omar told you that he was -- feared for retaliation, did he tell that you one of the
13 things he was fearful of was -- let me ask it this way: Did Omar express any fear about the Porto's
investigation to you?

14 A. I don't know what you mean by the word "fear."

15 Q. Did he tell you he was afraid of it, that he thought he was going to go to jail, that he thought they
16 were framing him up or any other thing that would express discomfort or fear?

17 A. I think he did. He felt -- I think he felt that that was being used to push him out." (Ramos Depo.,
18 40:16 – 41:3)

19 **Grounds for Objection: No. 138:** The testimony lacks foundation (Evid. Code § 403), is
20 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
21 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

22 **Court's Ruling on Objection 138:** **Sustained** _____
23 **Overruled** _____

24 **Objection No. 139**

25 "THE WITNESS: And that was probably my characterization, not his. Only because I'm a woman
26 and a woman of color. I know the code. I mean –

27 BY MR. GRESEN: Q. What's the code?

28 A. You kind of look at each other and go -- well, you just know. You don't say it out loud. Sorry.

1 That's the way it works.

2 Q. What don't you say out loud?

3 A. You don't say, "Is it because you're black?" You don't say that out loud. You just don't.

4 Q. Did you find that to be a culture within the City of Burbank employees?

5 MS. HUREVITZ: Objection. Question is vague and ambiguous. What -- what are you referring to
6 as a culture?

7 MR. GRESEN: Her statement. Well, let me say it this way --

8 THE WITNESS: Oh, the code talk?

9 BY MR. GRESEN: Q. Yes.

10 A. Absolutely.

11 Q. The code talk was common among Burbank City employees?

12 A. We all talk in code, myself included." (Ramos Depo., 43:2 -- 44:3)

13 **Grounds for Objection: No. 139:** The testimony lacks foundation (Evid. Code § 403), is
14 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
15 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
16 vague.

17 **Court's Ruling on Objection 139:** **Sustained** _____
18 **Overruled** _____

19 **Objection No. 140**

20 "Q. Do you recall what he said?

21 A. Well, you asked the question, "Was anything mentioned about pending investigations?" Yes, he
22 mentioned pending investigations.

23 Q. What did he say?

24 A. He said that -- he kind of gave me a time line. Oh, it was a very difficult lunch to be honest with
25 you. He gave me a time line of when he thought certain things would be wrapping up. He said, "I
26 think the Sheriff's investigation and the FBI investigation and our own private investigation will wrap
27 up, you know, in the first quarter." And that there was going to be a lot of terminations from the top
28 to the bottom, and people aren't going to be happy, and they're not going to like it, that they were
interviewing with a -- interviewing for the interim chief and that they -- he had met to speak to
another outside attorney firm that would investigation further the police department.

1 Q. The language that he used about the terminations, did he tell you specifically anybody who was
2 going to be terminated?

3 A. No, he said, "top to the bottom."

4 Q. Right. And did he tell you that they were thinking about terminating or for sure they there
5 were going to be a lot of terminations?

6 A. No, he said there was going to be a lot of terminations.

7 Q. Did you ask him how he knew that without having the results of the investigations or without
8 having the -- the -- the -- without having any results of the investigations?

9 A. No, but I thought it." (Ramos Depo., 51:16 – 52:23)

10 **Grounds for Objection: No. 140:** The testimony lacks foundation (Evid. Code § 403), is
11 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
12 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

13 **Court's Ruling on Objection 140:** **Sustained** _____
14 **Overruled** _____

15 **Objection No. 141**

16 "Q. And what were the complaints in the animal shelter at that time?

17 A. That the supervisor -- well, it was more than the supervisor. It was the lieutenant was going
18 to come back, and the female volunteers were fearful because he -- it was a male lieutenant, and
19 all of a sudden the name escapes me. If we want to think about it for a while, I can probably
20 remember. But you know, you have access to his name. That they were fearful that he was
21 coming back because he had intimidated and been inappropriate and harassed female volunteers,
22 and I also spoke to Mr. Flad about that.

23 Q. Is the animal shelter overseen by the police department?

24 A. Yes." (Ramos Depo., 59:21 – 60:11)

25 "Q. And the allegations were of -- of gender-based problems?

26 A. Yes." (Ramos Depo., 60:24 – 61:1)

27 "Q. Okay. Were there allegations of sexual harassment?

28 A. Absolutely. I think that could be characterized sexually inappropriate physical gestures and
power plays with the female employees using sexual references is what was explained to me."
(Ramos Depo., 61:5-11)

1 "THE WITNESS: That as time went on and these things were obvious, it was very obvious to me
2 that it was only -- these disqualifications were only occurring on females and on minority
3 candidates. I believe that there -- there could have been some civil rights violations involved."
(O. Rodriguez Depo., 235:3 – 8)

4 "The same. That I felt that he was, you know, improperly disqualifying -- disqualifying females
5 and minorities. And I told him that about the first month that I was in COPS, I told him that
6 Detective Racina had come in, and it was probably within the first few weeks
7 of me being there, and he -- he wanted to talk to me about expectations and whatnot, and he told
8 me that he wanted me to know right from the get-go that he wasn't hiring any women. And I told
9 him -- I actually started laughing because I thought he was joking. And, you know, he looked at
10 me very seriously, and he says, "I'm telling you right now, I'm not hiring any females." And I told
11 Rolando that I told Racina, "Not only are you going to hire females, but the first one that we hire
12 is going to be hired by you." And I told him that he was going to embrace diversity or diversity
13 was going to embrace him." (O. Rodriguez Depo., 239:13 – 240:6)

14 **Grounds for Objection: No. 143:** The testimony lacks foundation (Evid. Code § 403), is
15 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
16 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
17 vague.

18 **Court's Ruling on Objection 143:** Sustained _____
19 Overruled _____

20 **Objection No. 144**

21 "A. I told Rolando that during that time, probably in December of '06 or January of '07, is when I
22 began to get complaints from officers that were working patrol. These were minority officers that
23 had been coming to me reporting that people were treating -- treating them unfairly and making,
24 you know, racial comments to them and things that they believed would be inappropriate race-
25 based problems down in patrol. And I told -- I told Rolando that at the beginning it wasn't so
26 often. It was probably -- I -- I probably talked to somebody maybe once or twice a month. But as
27 time went on and I began hiring minority officers, all the way through April of 2009, it just
28 became almost on a weekly basis these officers were coming to me and complaining about what
was going on in patrol. (O. Rodriguez Depo., 248:23 – 249:12)

29 **Grounds for Objection: No. 144:** The testimony lacks foundation (Evid. Code § 403), is
30 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
31 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
32 vague.

33 **Court's Ruling on Objection 144:** Sustained _____
34 Overruled _____

Objection No. 145

A. And I probably told him and the others this, what I'm about to tell you, more than once because I'll be willing to bet I must have said this at least two dozen times. "You have three choices. You report it, you don't report it and do -- do absolutely nothing and you ignore it, which I don't suggest, or you take matters into your own hands and speak to these people directly, which I also don't suggest." And I told them, "By you coming to me and telling me what you're telling me is putting me on the spot because you are looking for advice. You are not looking to report this. You are coming to me trying to say, 'What do I do? I want this to stop.' But in telling me, you are forcing me to report it because I'm going to." And I must have said that at least on -- I would say safe to say probably a dozen occasions, maybe even more, to these individuals. And that's what I did. I reported it.

Q. Who did you report it to?

A. Some of it to Chief Stehr. Some of it to Deputy Chief Taylor. Some of it to Captain Pat Lynch because these were patrol officers, and that was his division at the time.

Q. Did you report it verbally or in writing?

A. Verbally.

Q. Why didn't --

A. I'm sorry. There may have been a few occasions that I reported it in writing." (O. Rodriguez Depo., 319:9 – 320:14)

Grounds for Objection: No. 145: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Court's Ruling on Objection 145: **Sustained** _____
 Overruled _____

Objection No. 146

"A. I don't recall the time period. It was obviously before I was put on administrative leave. I talked to Karagiosian, and he said -- he started talking to me about more of this race-based issue. And I know that it was going down that line. I -- it all comes together. There was many complaints. I don't recall exactly what he was talking to me about or where I was. But he says, "Have you" -- "Have you gone by the investigation division white board lately?" And I had to clarify with him what he was talking about. And he said, "The one in the far corner near the sink." And I said, "No." And he goes, "Why don't you go take a look." And I said, "What's up there?" He goes, "Just go ahead. Go take a look. Go look for yourself." So I -- I walk over there, and on the grease board, there's these quotes written on the board, things that I've commonly -- I've heard in the past at the Burbank Police Department when people are describing Armenians.

Q. Do you remember any of the comments?

1 A. I recall one of them, and it said in quotes – I don't know in what order it was in, but it was
2 something to the effect, "100 percent... my friend."

3 Q. Okay. So it was comments like, "100 percent...my friend." "I tell you everything 100
4 percent." "What do you want me to know?" Things like that; right?

5 A. Yes." (O. Rodriguez Depo., 339:4 – 340:11)

6 **Grounds for Objection: No. 146:** The testimony lacks foundation (Evid. Code § 403), is
7 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
8 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
9 vague.

10 **Court's Ruling on Objection 146:** **Sustained** _____
11 **Overruled** _____

12 **Objection No. 147**

13 "A. I have heard him -- and I can't -- I don't have an independent recollection word for word
14 what he has said. But I have heard him make comments -- and I will explain those in minute,
15 comments regarding African-Americans, Armenians, and Hispanics." (O. Rodriguez Depo.,
16 352:7-11)

17 **Grounds for Objection: No. 147:** The testimony lacks foundation (Evid. Code § 403), is
18 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
19 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

20 **Court's Ruling on Objection 147:** **Sustained** _____
21 **Overruled** _____

22 **Objection No. 148**

23 "Q. Okay. What does "zogs" mean?

24 A. That's pretty interesting that you should ask me that. I didn't -- I didn't know what that meant up
25 until about a week ago. But that is a comment that I have heard several officers in this department
26 make.

27 MS. SAVITT: Okay. I'm going to move to strike as not responsive to the question.

28 Q. What does it mean?

MR. GRESSEN: He's not done with the answer.

Q. MS. SAVITT: What does it mean?

1 MR. GRESSEN: Your Honor, would you let him finish the answer before --

2 JUDGE WAYNE: Hold on. Could you explain what it means.

3 THE WITNESS: It's a -- it's a racial term describing any minority. And it's used by white
4 supremacist groups to -- to call minority groups a hateful term. And I can't remember exactly because
5 I just recently found out about it." (O. Rodriguez Depo., 367:18 -- 368:12)

6 **Grounds for Objection: No. 148:** The testimony lacks foundation (Evid. Code § 403), is
7 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
8 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

9 **Court's Ruling on Objection 148:** Sustained _____
Overruled _____

10 **Objection No. 149**

11 "A. Those -- totality of not hiring minorities and making comments such as -- I've heard him call
12 Hispanics "Julio" and "Juan" openly, you know, in -- in front of me and in front of Chris Racina. And
13 separately, just -- you know, with me referring to Hispanics throughout the years. Particularly when I
14 was a rookie officer and he was a training officer, he used the word "wetback," "Julio," "Juan" to refer
to Hispanics." (O. Rodriguez Depo., 369:10-17)

15 **Grounds for Objection: No. 149:** The testimony lacks foundation (Evid. Code § 403), is
16 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
17 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

18 **Court's Ruling on Objection 149:** Sustained _____
Overruled _____

19 **Objection No. 150**

20
21 "A. As an officer and a detective, and when I was that rank, as officer or detective, I've heard
22 Schiffner use the "N" word to individuals directly to their face, to African-Americans. Terms like
23 "wetback." Just being vicious, mean to people to their face."
(O. Rodriguez Depo., 374:23 -- 375:2)

24 **Grounds for Objection: No. 150:** The testimony lacks foundation (Evid. Code § 403), is
25 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
26 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

27 **Court's Ruling on Objection 150:** Sustained _____
Overruled _____

"A. Angelo, like some other particular people in our department, is a -- in a class all by themselves. He -- he is uncontrollable to the point where even when a supervisor's there, he will continue with his -- with making his comments, even when he's pulled away from situations. He just won't stop. I've heard him use -- the language I've heard him use the most -- the term I've heard him use the most repeatedly is "zog" to describe minorities. He has -- I've heard him use the "N" word. I've heard him say racial comments. I can't tell you exactly which ones. But talking bad about Armenians, Hispanics. I've never heard him say anything against women or anything like that. But definitely the different races. In particular, he has a definite hatred towards the Armenian community.

Q. Have -- the comments that you've heard, have they been towards the criminal element, or have they been towards fellow officers?

10 Grounds for Objection: No. 151: The testimony lacks foundation (Evid. Code § 403), is
11 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
12 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
13 vague.

Court's Ruling on Objection 151: **Sustained** _____
Overruled _____

17 “particular, he has a definite hatred towards the Armenian community.

18 Q. Have -- the comments that you've heard, have they been towards the criminal element, or have
19 they been towards fellow officers?

20 A. I don't think I've ever heard Angelo make comments -- I'd have to really think about it. I don't
21 think I've ever heard him make comments against officers. I've heard him make comments
22 towards employees -- civilian employees in the police department, and definitely towards citizens.
Not just suspects. Citizens. (O. Rodriguez Depo., 377:2-13)

Grounds for Objection: No. 152: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

27	Court's Ruling on Objection 152:	Sustained
28		Overruled

"A. Because it's -- they're referring to criminals. I'll give you a perfect example. During the pet shop murder over on Victory -- I can't remember when that was. Tim? I know he investigated some of it. There was some good work being done there. They used Armen Dermenjian as a translator. Armen was on me for about a week telling me, "These people are racist." And I go, "Who are you talking about?" And he goes, "The" -- "The investigators and these supervisors. Everyone is referring to us as 'these animals' or 'these people,' calling us 'Armos.' Calling us this." (O. Rodriguez Depo., 384:23 – 385:12)

Court's Ruling on Objection 153:

Sustained _____
Overruled _____

Objection No. 154

BY MR. GRESSEN:" (Slor Depo., 21:12-18)

Court's Ruling on Objection 154: **Sustained** _____
Overruled _____

A May I ask a question? Directed toward me or –

1 Q Directed towards anybody.

2 A In general, I have to say two months ago, give or take.

3 Q And what was the comment?" (Slor Depo., 25:13-18)

4 **Grounds for Objection: No. 155:** The testimony lacks foundation (Evid. Code § 403), is
5 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
6 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
7 vague.

8 **Court's Ruling on Objection 155:** **Sustained** _____
9 **Overruled** _____

10 **Objection No. 156**

11 "called within the Department?

12 A Hitler.

13 Q When did that conversation take place?" (Slor Depo., 26:16-18)

14 **Grounds for Objection: No. 156:** The deposition testimony reflected in the citations set
15 forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid.
16 Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702),
17 speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid.
18 Code § 1200), and vague.

19 **Court's Ruling on Objection 156:** **Sustained** _____
20 **Overruled** _____

21 **Objection No. 157**

22 "A Aside from -- I've heard him refer to black people as "zogs". I think that's what he referred
to them as. I didn't know what that was. I hadn't heard that term before.

23 Q Any other race-based comments that you can recall..." (Slor Depo., 28:8-11)

24 **Grounds for Objection: No. 157:** The testimony lacks foundation (Evid. Code § 403), is
25 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
26 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

27 **Court's Ruling on Objection 157:** **Sustained** _____
28 **Overruled** _____

"the word -- I've heard the term "towel", "towel head", but I can't -- that's about all I can remember. I specifically recall those two for some reason.

BY MR. GRESSEN: Q And these are comments that you've heard more than once?

A Yes.

Q And these are comments that you've heard at some point within the last two years; correct?

A Yes.

Q But as you sit here today, you do not recall who..." (Slor Depo., 31:19 – 32:4)

Grounds for Objection: No. 158: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

Court's Ruling on Objection 158: **Sustained** _____
Overruled _____

“going to target Armenian citizens with any sort of traffic or other –

A I have.

Q -- enforcement?

A I have.” (Slor Depo., 32:8–12)

Grounds for Objection: No. 159: The deposition testimony reflected in the citations set forth in plaintiff's evidence is unintelligible as stated. The testimony also lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Court's Ruling on Objection 159: **Sustained** _____
Overruled _____

"bitch".

BY MR. GRESEN: Q Have you heard a male officer referred to as a "bitch"?

1 A Can you repeat the question?

2 Q Have you ever heard a male officer referred to as a bitch?

3 A Not specifically, no.

4 Q Do you know, can you tell me which officer – which female officer was being referred to?

5 A Yes.

6 Q Who?

7 A Officer Guillen.

8 Q Can you tell me who made the remark?” (Slor Depo., 49:11-23)

10 **Grounds for Objection: No. 160:** The testimony lacks foundation (Evid. Code § 403), is
11 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
12 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

13 **Court’s Ruling on Objection 160:** **Sustained** _____
14 **Overruled** _____

15 **Objection No. 161**

16 “A Identifying and stopping people based upon their race in order to search for evidence of a
17 crime.

18 Q Have you observed any conduct which you believe to be profiling on the part of the
19 Department during your tenure?

20 MS. SAVITT: Same objections.

21 BY MR. GRESEN: Q Racial profiling?

22 MS. SAVITT: Same objections.

23 THE WITNESS: Yes.

24 BY MR. GRESEN: ...” (Slor Depo., 53:5-14)

25
26 **Grounds for Objection: No. 161:** The testimony lacks foundation (Evid. Code § 403), is
27 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
28 § 702), improper opinion (Evid. Code § 800), and vague.

OBJECTIONS TO EXHIBIT K – DEPOSITION TESTIMONY OF ANTHONY VALENTO

Objection No. 164

“Q. Did anybody -- I'll move on from that. Now, I believe you mentioned earlier that there was a perception that the administration had failed to act, on your part. What gave rise to that perception?

MS. SAVITT: Vague and ambiguous; lacks foundation. You may answer.

THE WITNESS: In my opinion, there was a widespread, at least the perception was there was a very big problem within the Burbank Police Department, and it was my opinion that if we didn't do something it was only going to get worse.

BY MR. GRESEN:

Q. And when you say "problem," what do you mean?

A. It was a number of things. I think a failure to respond to complaints from officers, a failure to respond to known issues. Just the mentality that if you just ignore it, it will go away. Retaliation, if you did bring up a problem or complain about something.” (Valento Depo., 25:25 – 26:21)

Grounds for Objection: No. 164: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), and vague.

Court's Ruling on Objection 164:	Sustained _____
	Overruled _____

Objection No. 165

“Q. What were they?

MS. SAVITT: Same objection.

THE WITNESS: Basically the misrepresentation of facts by Internal Affairs investigators and retaliation for officers using their rights.

BY MR. GRESEN: Q. When you speak of retaliation for officers using their rights, what type of rights were these officers using?

MS. SAVITT: Overbroad; vague; compound; calls for a conclusion; lacks foundation.

THE WITNESS: Specifically the things that I witnessed for myself, I have requested Civil Service board reviews where I was specifically told by the attorney for the city, I believe at the time her name was Christine Pelletier, that if I chose to take my discipline to the Civil Service review board, that I

1 would -- that I could possibly suffer increased discipline.

2 BY MR. GRESEN: Q. Any other retaliation for using the rights, examples?

3 A. The same example. There have been a number of other officers over the years that I have heard
4 the same thing from. There have been -- I witnessed a Captain Stehr, he was Captain Stehr at the
5 time, have a discussion with the board prior to a negotiations meeting. He basically said that if an
6 officer chose to take something to Civil Service, that he then had the right to change the officer's
7 evaluation to a poor evaluation, and that would be done if the officer chose to exercise his rights and
8 take the matter to the Civil Service board." (Slor Depo., 28:2 - 29:9)

9 **Grounds for Objection: No. 165:** The testimony lacks foundation (Evid. Code § 403), is
10 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
11 § 702), attorney-client privilege (Evid. Code § 954), improper opinion (Evid. Code § 800),
12 inadmissible hearsay (Evid. Code § 1200), and vague.

13 **Court's Ruling on Objection 165:** Sustained _____
14 Overruled _____

15 **Objection No. 166**

16 "Q. Did he say that the review would be changed to poor irrespective of whether the person
17 complaining had a valid complaint?

18 MS. SAVITT: Same objections.

19 THE WITNESS: He said the evaluation would change if the officer exercised his rights and took the
20 matter to the Civil Service review board." (Valento Depo., 29:19-25)

21 **Grounds for Objection: No. 166:** The testimony lacks foundation (Evid. Code § 403), is
22 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
23 § 702), inadmissible hearsay (Evid. Code § 1200), and vague.

24 **Court's Ruling on Objection 166:** Sustained _____
25 Overruled _____

26 **Objection No. 167**

27 "Q. Have you ever heard during your tenure on the Burbank Police Department any members of
28 the Burbank Police Department make any inappropriate race-based comments about blacks?

1 MS. SAVITT: Overbroad; vague; ambiguous; lacks foundation; calls for an opinion; calls for a
2 conclusion; compound. You may answer.

3 THE WITNESS: I'm sure I have over the years, but I don't recall anything specific..." (Valento
4 Depo., 54:23-55:7)

5 **Grounds for Objection: No. 167:** The testimony lacks foundation (Evid. Code § 403), is
6 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
7 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
8 vague.

9 **Court's Ruling on Objection 167:** Sustained _____
10 Overruled _____

11 **Objection No. 168**

12 "Q. Okay. Have you heard anybody at the Burbank Police Department, any police officer make any
13 inappropriate race-based comments against Armenians?

14 MS. SAVITT: Same objections.

15 THE WITNESS: Basically the same statement. I have over the years, but I don't recall anything
16 specific." (Valento 55:9-15)

17 **Grounds for Objection: No. 168:** The testimony lacks foundation (Evid. Code § 403), is
18 irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code
19 § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and
20 vague.

21 **Court's Ruling on Objection 168:** Sustained _____
22 Overruled _____

23 **Objection No. 169**

24 "Q. Okay. Have you ever heard in your tenure any Burbank police officers make any derogatory
25 race-based comments about Latinos or Hispanics?

26 MS. SAVITT: Same objection.

27 THE WITNESS: Yes." (Valento 55:17-21)

28 **Grounds for Objection: No. 169:** The testimony lacks foundation (Evid. Code § 403), is
irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code

§ 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Court's Ruling on Objection 169: **Sustained** _____
Overruled _____

Objection No. 170

“Q. Did you ever hear the chief make any derogatory race-based comments, by "chief" I mean Chief Stehr?

MS. SAVITT: Same objection.

THE WITNESS: Yes.

BY MR. GRESSEN: Q. What did you hear Chief Stehr say?

A. Again, nothing specific. Just, you know, 12 maybe jokes –

Q. Do you recall any of those jokes?

A. -- or comments. No.

Q. Do you recall how recently, when was the last time you heard him make a joke or comment?

MS. SAVITT: Same objections.

THE WITNESS: It would probably be at least over five years ago, approximately.” (Valento Depo., 56:4-19)

Grounds for Objection: No. 170: The testimony lacks foundation (Evid. Code § 403), is irrelevant (Evid. Code §§ 210, 350-351), conclusory (Evid. Code § 702), speculative (Evid. Code § 702), improper opinion (Evid. Code § 800), inadmissible hearsay (Evid. Code § 1200), and vague.

Court's Ruling on Objection 170: **Sustained** _____
Overruled _____

OBJECTIONS TO EXHIBIT L – OCTOBER 5, 2009 MEMORANDUM FROM CINDY

GUILLEN TO JUDIE WILKE

Objection No. 171

Exhibit "L": October 5, 2009 memorandum from Cindy Guillen to Judie Wilke titled

1 "Sexual Harassment Training Session.

2 **Grounds for Objection: No. 171:** No foundation (Evid. Code § 403), irrelevant to Childs
3 (Evid. Code §§ 210, 350-351), hearsay, and not material.

4 **Court's Ruling on Objection 171:** Sustained _____
5 Overruled _____

6 **OBJECTIONS TO EXHIBIT "M": EEOC "ENFORCEMENT GUIDANCE"**

7 **Objection No. 172**

8 Exhibit "M": EEOC "Enforcement Guidance" document.

9 **Grounds for Objection: No. 172:** No foundation (Evid. Code § 403), irrelevant to Childs
10 (Evid. Code §§ 210, 350-351), hearsay, and not material.

11 **Court's Ruling on Objection 172:** Sustained _____
12 Overruled _____

13 **OBJECTIONS TO EXHIBIT "N": ONE PAGE DOCUMENT ENTITLED "BUREAU OF**
14 **JUSTICE STATISTICS"**

15 **Objection No. 173**

16 Exhibit "N": One page document entitled "Bureau of Justice Statistics" for Burbank
17 Police Department in 2000.

18 **Grounds for Objection: No. 173:** No foundation (Evid. Code § 403). Statistics, to be
19 admissible, must provide a foundation as to the pool of applicants and workers in each area.
20 "Statistics such as these, however, without an analytic foundation, are virtually meaningless."
21 (*Wards Cove Packing Co. v. Atonio* (1989) 490 U.S. 642, 109 S. Ct. 2115, 104 L. Ed. 2d 733.)
22 "To say that very few blacks have been selected by Honda does not say a great deal about Honda's
23 practices unless we know how many blacks have applied and failed and compare that to the
24 success rate of equally qualified white applicants." (*Brown v. American Honda Motor Co.* (11th
25 Cir. 1991) 939 F.2d 946, 952.) Irrelevant to Childs (Evid. Code §§ 210, 350-351), who did not
26 work for the department in 2000 and who makes no claim of failure to hire, and who admits he
27 never applied for a promotion. Hearsay, and not material.

28 **Court's Ruling on Objection 173:** Sustained _____
Overruled _____

Objection No. 174

Grounds for Objection: No. 174: No foundation (Evid. Code § 403). Statistics, to be admissible, must provide a foundation as to the pool of applicants and workers in each area. “Statistics such as these, however, without an analytic foundation, are virtually meaningless.” (*Wards Cove Packing Co. v. Atonio* (1989) 490 U.S. 642, 109 S. Ct. 2115, 104 L. Ed. 2d 733.) “To say that very few blacks have been selected by Honda does not say a great deal about Honda's practices unless we know how many blacks have applied and failed and compare that to the success rate of equally qualified white applicants.” (*Brown v. American Honda Motor Co.* (11th Cir. 1991) 939 F.2d 946, 952.) Irrelevant to Childs (Evid. Code §§ 210, 350-351), who makes no claim of failure to hire, and who admits he never applied for a promotion. Hearsay, and not material.

Court's Ruling on Objection 174: **Sustained** _____
Overruled _____

Objection No. 175

Grounds for Objection: No. 175: No foundation (Evid. Code § 403). Statistics, to be admissible, must provide a foundation as to the pool of applicants and workers in each area. “Statistics such as these, however, without an analytic foundation, are virtually meaningless.” (*Wards Cove Packing Co. v. Atonio* (1989) 490 U.S. 642, 109 S. Ct. 2115, 104 L. Ed. 2d 733.) “To say that very few blacks have been selected by Honda does not say a great deal about Honda's

practices unless we know how many blacks have applied and failed and compare that to the success rate of equally qualified white applicants.” (*Brown v. American Honda Motor Co.* (11th Cir. 1991) 939 F.2d 946, 952.) Irrelevant to Childs (Evid. Code §§ 210, 350-351), who did not work for the department in 2000 and who makes no claim of failure to hire, and who admits he never applied for a promotion. Hearsay, and not material.

Court's Ruling on Objection 175: **Sustained** _____
Overruled _____

**OBJECTIONS TO EXHIBIT "Q": "BUREAU OF JUSTICE STATISTICS" PASADENA
POLICE DEPARTMENT**

Objection No. 176

Exhibit "Q": One page document entitled "Bureau of Justice Statistics" Pasadena Police Department 2000.

Grounds for Objection: No. 176: No foundation (Evid. Code § 403). Statistics, to be admissible, must provide a foundation as to the pool of applicants and workers in each area. “Statistics such as these, however, without an analytic foundation, are virtually meaningless.” (*Wards Cove Packing Co. v. Atonio* (1989) 490 U.S. 642, 109 S. Ct. 2115, 104 L. Ed. 2d 733.) “To say that very few blacks have been selected by Honda does not say a great deal about Honda's practices unless we know how many blacks have applied and failed and compare that to the success rate of equally qualified white applicants.” (*Brown v. American Honda Motor Co.* (11th Cir. 1991) 939 F.2d 946, 952.) Irrelevant to Childs (Evid. Code §§ 210, 350-351), who did not work for the department in 2000 and who makes no claim of failure to hire, and who admits he never applied for a promotion. Hearsay, and not material.

Court's Ruling on Objection 176: **Sustained** _____
Overruled _____

**OBJECTIONS TO EXHIBIT "R": "DIVERSITY TRAINING BURBANK POLICE
DEPARTMENT"**

Objection No. 177

Exhibit "R": Four pages titled "Diversity Training Burbank Police Department".

Grounds for Objection: No. 177: No foundation (Evid. Code § 403). Irrelevant to

Court's Ruling on Objection 179:

Sustained _____
Overruled _____